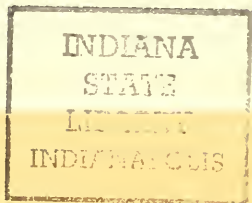



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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

SPECIAL SESSION

OF THE

FORTY-SIXTH GENERAL ASSEMBLY,

COMMENCING THURSDAY, APRIL 8, 1869.

INDIANAPOLIS:

ALEXANDER H. CONNER, STATE PRINTER.

1869.

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JOURNAL
OF THE
SENATE OF INDIANA.

SPECIAL SESSION.

THURSDAY, APRIL 8, 1869,

The Senate met at 2 o'clock P. M., in their Chamber, in pursuance of the following Proclamation of his Excellency, the Governor:

STATE OF INDIANA, }
EXECUTIVE DEPARTMENT. }

WHEREAS, The General Assembly of the State of Indiana, at its late Regular Session, failed to pass the necessary appropriations to carry on the State government, and to meet the current expenses of the benevolent and other public institutions of the State, and by reason thereof, the public welfare imperatively requires that said General Assembly should be convened in Special Session with the least practicable delay,

Therefore, I, Conrad Baker, Governor of the State of Indiana, do issue this Proclamation convening the General Assembly of the State in Special Session, and summoning the members thereof to meet in their respective halls of legislation, in the State House, at Indianapolis, at two o'clock P. M. of Thursday, the 8th day of April, A. D. 1869.

In witness whereof, I have hereunto subscribed my name and caused the seal of the State to be hereunto affixed, at Indianapolis, this 22d day of March, A. D. 1869.

[L. S.]

CONRAD BAKER.

By the Governor:

M. F. A. HOFFMAN, *Secretary of State.*

Lieutenant Governor Cumback called the Senate to order, and directed the Secretary to call the roll of Senators.

The roll was then called, and the following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green Hadley, Hamilton, Henderson, Hess, Hooper, Jaquess, Johnson of Spencer, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott, and Wood—27.

The President then directed the Secretary to call the Districts entitled to representation in the Senate, and which were made vacant by the resignation of seventeen Senators at the Regular Session of 1869.

The Secretary proceeded with the call of the Districts as follows :

From the District composed of the county of Vanderburg.

From the counties of Knox and Daviess.

From the counties of Pike, Dubois and Martin.

From the counties of Perry, Crawford and Orange.

From the counties of Washington and Harrison.

From the counties of Floyd and Clark.

From the counties of Ohio and Dearborn.

From the county of Franklin.

From the counties of Shelby and Bartholomew.

From the counties of Green and Owen.

From the counties of Clay and Sullivan.

From the county of Montgomery.

From the counties of Cass and Fulton.

From the counties of Grant, Blackford and Jay.

From the counties of Huntington and Wells.

From the county of Allen.

From the counties of Allen and Adams.

No Senators elect appearing and answering for said Districts,

Mr. Bradley moved that the Senate adjourn.

Which was not agreed to.

On motion of Mr. Church, the Senate adjourned till two o'clock
P. M., to-morrow.

FRIDAY AFTERNOON, 2 O'CLOCK, }
 April 9, 1869. }

The Senate met.

The Journal of yesterday was read.

The President ordered that the roll of Senators be called.

The Secretary proceeded to a call of the Senate, and

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—29.

The President then directed the Secretary to call the Districts entitled to representation in the Senate, and which were made vacant by the recent resignation of seventeen Senators, at the regular session of 1869.

The Secretary proceeded with the call of the Districts as follows :

From the District composed of the county of Vanderburg.

From the counties of Knox and Daviess.

From the counties of Pike, Dubois and Martin.

From the counties of Perry, Crawford and Orange.

From the counties of Washington and Harrison.

From the counties of Floyd and Clark.

From the counties of Ohio and Dearborn.

From the county of Franklin.

From the counties of Shelby and Bartholomew.

From the counties of Greene and Owen.

From the counties of Clay and Sullivan.

From the county of Montgomery.

From the counties of Cass and Fulton.

From the counties of Grant, Blackford and Jay.

From the counties of Huntington and Wells.

From the county of Allen.

From the counties of Allen and Adams.

No Senator elect appearing and answering for said Districts,

Mr Bradley moved to adjourn until three o'clock P. M., to-morrow.

Mr. Robinson, of Madison, moved to amend, by inserting nine o'clock to-morrow morning.

Which was agreed to.

The Senate then adjourned till nine o'clock to-morrow morning.

SATURDAY MORNING, 9 o'CLOCK, {
 April 10, 1869. }

The Senate met.

The Journal of yesterday was read.

The President ordered that the roll of the Senate be called.

The Secretary proceeded to a call of the Senate.

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—28.

The President then directed the Secretary to call the Districts entitled to representation in the Senate, and which were made vacant by the recent resignation of seventeen Senators at the Regular Session of 1869.

The Secretary proceeded with the call of the Districts, as follows :

From the district composed of the county of Vanderburg;

From the counties of Knox and Daviess;

From the counties of Pike, Dubois and Martin;

From the counties of Perry, Crawford and Orange;

From the counties of Washington and Harrison;

From the counties of Floyd and Clark;

From the counties of Ohio and Dearborn;

From the county of Franklin;

From the counties of Shelby and Bartholomew ;

From the counties of Greene and Owen ;

From the counties of Clay and Sullivan ;

From the county of Montgomery ;

From the counties of Cass and Fulton ;

From the counties of Grant, Blackford and Jay ;

From the counties of Huntington and Wells ;

From the county of Allen :

From the counties of Allen and Adams.

No Senators elect appearing and answering for said districts.

Mr. Henderson moved that the Senate adjourn until Monday at 2 o'clock.

Which was not agreed to.

Mr. Cravens offered the following resolution :

Resolved, That the Secretary of State be, and he is hereby requested to lay before this body whatever information may be on file in his office in respect to the special election held on the 23d day of March, 1869, to supply the vacancies in the General Assembly occasioned by the resignation of the members thereof on the 4th day of March, 1869, with a view to taking the necessary steps to compel the attendance of absent members.

The ayes and noes were demanded by Messrs. Bradley and Henderson.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Colley, Cravens, Elliott, Fisher, Fosdick, Gray, Greene, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—28.

Those who voted in the negative were,

Messrs. Bradley and Henderson—2.

So the resolution was adopted.

On motion of Mr. Cravens, the Senate adjourned until two and a-half o'clock P. M.

SATURDAY, 2½ O'CLOCK, P. M.

The Senate met.

The President ordered that the roll of Senators be called.

The Secretary proceeded to a call of the Senate :

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Henderson, Hess, Hooper, Jacques, Kinley, Rice, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Wood—24.

The President then directed the Secretary to call the Districts entitled to representation in the Senate and which were made vacant by the recent resignation of seventeen Senators, at the Regular Session of 1869.

The Secretary proceeded with the call of Districts, as follows :

From the district composed of the county of Vanderburg.

From the counties of Knox and Davies.

From the counties of Pike, Dubois and Martin.

From the counties of Perry, Crawford and Orange.

From the counties of Washington and Harrison.

From the counties of Floyd and Clark.

From the counties of Ohio and Dearborn.

From the county of Franklin.

From the counties of Shelby and Bartholomew.

From the counties of Greene and Owen.

From the counties of Clay and Sullivan.

From the county of Montgomery.

From the counties of Cass and Fulton.

From the counties of Grant, Blackford and Jay

From the counties of Huntington and Wells.

From the county of Allen.

From the counties of Allen and Adams.

No Senators elect appearing and answering for said Districts.

On motion of Mr. Wolcott, the Senate adjourned until Monday at two o'clock P. M.

MONDAY AFTERNOON, 2 o'clock, }
 April 12, 1869. }

The Senate met.

The Journal of Saturday was read.

The President ordered a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Armstrong, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Green, Hadley, Henderson, Hess, Hooper, Jacques, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Taggart, Wolcott and Wood
 —26.

The President then directed the Secretary to call the Districts entitled to representation in the Senate, which were made vacant by the recent resignation of seventeen Senators, at the Regular Session of 1869.

The Secretary then proceeded with a call of the Districts.

Which were as follows :

From the district composed of the county of Vanderburg.

From the counties of Knox and Davies.

From the counties of Pike, Dubois and Martin.

From the counties of Perry, Crawford and Orange.

From the counties of Washington and Harrison.

From the counties of Floyd and Clark.

From the counties of Ohio and Dearborn.

From the county of Franklin.

From the counties of Shelby and Bartholomew.

From the counties of Greene and Owen.

From the counties of Clay and Sullivan.

From the county of Montgomery.

From the counties of Cass and Fulton.

From the counties of Huntington and Wells.

From the county of Allen.

From the counties of Allen and Adams.

No Senators elect, appearing and answering for said Districts.

Hon. Robert Huey, Senator elect from the counties of Grant, Blackford and Jay, appeared, presented his credentials, was sworn in, and took his seat.

The President laid before the Senate the following communication:

TO THE HON. WILL CUMBACK:

President of the Senate:

In compliance with a resolution of your Honorable Body, requesting the Secretary of State to lay before the Senate all information which may be on file in his office in relation to the special election held March 23, 1869, to supply certain vacancies occasioned by the resignation of some Members of the General Assembly of the State of Indiana, I do hereby furnish you with the election returns of the different counties now on file in this office.

Very respectfully,

M. F. A. HOFFMAN,

Secretary of State.

STATE OF INDIANA, OFFICE OF SECRETARY OF STATE, }
 INDIANAPOLIS, April 12, 1869. }

I, M. F. A. Hoffman, Secretary of State for the State of Indiana, do hereby certify, that at a special election, held on the 23d day of March, A. D., 1869, to fill vacancies in the offices of Senators and Representatives in certain counties, in said State, to the General Assembly of the State of Indiana, the following named persons were elected Senators from the counties hereinafter named, as follows, to-wit:

From the county of Vanderburg—Daniel Morgan.

From the counties of Knox and Davies—William S. Turner.

From the counties of Perry, Crawford and Orange—William F. Sherrod.

From the counties of Floyd and Clark—George V. Howek.

From the counties of Ohio and Dearborn—Elijah Huffman.

From the county of Franklin—Thomas Gifford.

From the counties of Shelby and Bartholomew—Thomas G. Lee.

From the counties of Greene and Owen—John M. Humphreys.

From the county of Montgomery—Archibald Johnson.

From the counties of Cass and Fulton—Charles B. Laselle.

From the counties of Huntington and Wells—Wilson Smith.

From the county of Allen—William W. Carson.

From the counties of Allen and Adams—Oehmig Bird.

All of which appears from election returns of said election, certified by the Clerks of the Circuit Courts of the respective Counties

aforesaid, now on file in the Office of Secretary of State, for the State of Indiana.

Witness my hand, and the seal of the State of Indiana, at the city of Indianapolis, this 12th day of April, 1869.

M. F. A. HOFFMAN,

Secretary of State.

Mr. Hooper offered the following resolution :

WHEREAS, at the last Regular Session of the Forty-Sixth General Assembly of the State of Indiana, seventeen Senators resigned their seats in this Body, and left it without a Constitutional quorum to do business, thereby causing a vacaney in the Senate, from the following Senatorial Districts, to-wit :

The county of Vanderburg.

The counties of Knox and Davies.

The counties of Pike, Dubois and Martin.

The counties of Perry, Orange and Crawford.

The counties of Washington and Harrison.

The counties of Floyd and Clark.

The counties of Ohio and Dearborn.

The county of Franklin.

The counties of Shelby and Bartholomew.

The counties of Green and Owen.

The counties of Clay and Sullivan.

The county of Montgomery.

The counties of Cass and Fulton.

The counties of Huntington and Wells.

The county of Allen.

AND WHEREAS, The Governor did issue writs of election to the several counties of said Districts, and cause special elections to be held therein, on the 23d day of March, 1869, to fill said vacancies.

AND WHEREAS, Afterwards, to-wit, on the 22d day of March, in the year aforesaid, the Governor issued his proclamation, summoning the members of the General Assembly to meet in special session in their respective Halls, in the State House, at Indianapolis, at two o'clock P. M., of Thursday, the 8th day of April, A. D. 1869, which proclamation read as follows, to-wit:

STATE OF INDIANA, }
EXECUTIVE DEPARTMENT. }

WHEREAS, The General Assembly of the State of Indiana, at its late regular session, failed to pass the necessary appropriation to carry on the State Government, and to meet the current expenses of the Benevolent and other Public Institutions of the State, and by reason thereof, the public welfare imperatively requires that said General Assembly should be convened in special session, with the least practicable delay.

Therefore I, Conrad Baker, Governor of the State of Indiana, do issue this my Proclamation, convening the General Assembly of the State in special session, and summoning the members thereof to meet in their respective Halls of Legislation, in the State House at Indianapolis, at two o'clock P. M. of Thursday, the 8th day of April, A. D. 1869.

In witness whereof, I have hereunto subscribed my name, and caused the seal of the State to be hereunto affixed, at Indianapolis, this 22d day of March, A. D. 1869.

CONRAD BAKER.

By the Governor:

M. F. A. HOFFMAN, }
Secretary of State. }

AND WHEREAS, On the 8th day of April, 1869, in obedience to said proclamation, a majority of all the members of said General Assembly did meet in their respective halls, at two o'clock P. M. of said day, and in the Senate, the Lieutenant-Governor in the chair, directed the Secretary of the last regular session (O. M. Wilson)

to call the names of Senators who have not resigned, and, upon said call, twenty-six Senators answered to their names. The Secretary then, by direction of the Lieutenant-Governor, called the several districts heretofore named, wherein vacancies had occurred by resignation, and no one answered or presented credentials of election from said Districts. The Senate then adjourned until the next day, at two o'clock P. M., and in pursuance of said adjournment, again met at two o'clock P. M. of Friday, April 9, 1869, when the same proceedings were had, as to call of members and Districts, as on the day previous, and with like result, except that twenty-nine members answered to their names. After which call, on motion, the Senate adjourned until the next day at nine o'clock A. M., of Saturday, April 10, 1869, when the same proceedings as those of the first day were again had, as to calling of Members and Districts, and with like result, except that twenty-eight members were present; when, on motion, the Senate adjourned until two o'clock P. M. of said day, and in accordance with said adjournment, again met in session at two o'clock, when the same proceedings, as to calling of members and districts, were again had, with same result. After which, on motion, the Senate adjourned until the next day, at two o'clock P. M., and in pursuance of said adjournment, again met in session at two o'clock P. M., on Monday, April 11, 1869, when the members and Districts were again called, and still no one answered or presented credentials from said Districts, heretofore named, wherein vacancies had occurred.

AND WHEREAS, The Secretary of State, at the request of this body, has laid before us certified copies of the official returns of several counties, of the special elections held therein, for members to fill vacancies in said Districts, and it appears therefrom that the following persons were duly elected, at said special elections, to fill said vacancies, to-wit:

For the county of Vanderburg—Daniel Morgan.

For the counties of Knox and Daviess—W. S. Turner.

For the counties of Pike, Dubois and Martin—W. H. Montgomery.

S. J. Ex. S.—2.

For the counties of Perry, Orange and Crawford—W. F. Sherrod.

For the counties of Washington and Harrison—George Denbo.

For the counties of Floyd and Clark—George V. Howk.

For the counties of Ohio and Dearborn—Elijah J. Huffinan.

For the county of Franklin—Thomas Gifford.

For the counties of Shelby and Bartholomew—Thomas G. Lee.

For the counties of Green and Owen—John Humphries.

For the counties of Clay and Sullivan—James M. Hanna.

For the county of Montgomery—Archibald Johnson.

For the counties of Cass and Fulton—Charles B. Lasselle.

For the counties of Huntington and Wells—Wilson Smith.

For the county of Allen—Wm. W. Carson.

AND WHEREAS, It is notorious to this body, that during the five days in which the foregoing enumerated proceedings were had, and said various calls of members and Districts made, said members elect were in the city of Indianapolis, in and about the State House, many of them within hearing of said calls, and all had full knowledge thereof, yet during all said time they purposely and wilfully neglected and refused, and still neglect and refuse, to present their credentials and take the oath required of them by law, to enable them to take their seats, thereby vacating the same, and leaving the Senate without a quorum and unable to fully organize, until said vacancies are filled.

AND WHEREAS, The public welfare imperatively requires that the General Assembly should be fully organized, with the least practicable delay, and as such organization cannot be made until said vacancies are filled, Therefore (in order to complete the organization of this Senate),

Resolved, That by purposely and wilfully refusing to qualify and take their seats, said members elect have vacated the same, and the President of the Senate is directed to notify the Governor that a vacancy has happened, at the present session, in the office of State Senator from each of the Senatorial Districts in the preamble hereto recited, by the said members elect refusing to qualify and take their seats.

Which, on motion of Mr. Scott, was made the special order for to-morrow, at two o'clock P. M.

The following Senators elect appeared, presented their credentials, and were sworn into office by Hon. George H. Chapman, Judge of the Marion Criminal Circuit Court:

From the counties of Allen and Adams—Oehmig Bird.

From the counties of Washington and Harrison—George W. Denbo.

From the county of Franklin—Thomas Gifford.

From the counties of Sullivan and Clay—James M. Hanna.

From the counties of Greene and Owen—John M. Humphreys

From the counties of Ohio and Dearborn—Elijah Huffman.

From the county of Montgomery—Archibald Johnson.

From the counties of Pike, Martin and Dubois—W. H. Montgomery.

From the county of Vanderburg—Daniel Morgan.

From the counties of Perry, Crawford and Orange—Wm. F. Sherrod.

From the counties of Huntington and Wells—Wilson Smith.

From the counties of Knox and Daviess—Wm. S. Turner.

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution, to-wit:

Resolved, That the Senate be notified that the House has organized, with the Hon. Geo. A. Buskirk, Speaker; Wm. M. Merwin, Principal Clerk; Jhon O. Hardesty, Assistant Clerk; and Thos. C. McCann, Door-keeper, and that the House is now ready to proceed to business.

Mr. Fisher offered the following resolution:

Resolved, That the officers of the Senate during the late regular session, be continued during the special session, unless hereafter otherwise ordered.

Which was adopted.

Mr. Bellamy offered the following resolution:

Resolved, That the Secretary be instructed to inform the House of Representatives that the Senate has organized, by the election of O. M. Wilson, Secretary; W. A. Bonham, Assistant Secretary; and John F. Furnish Door-keeper.

Which was adopted.

Mr. Church offered the following resolution:

Resolved, That a committee of three on the part of the Senate, to act with a like committee on the part of the House, be appointed, to inform the Governor that the special session of the General Assembly, ordered by proclamation of the Governor, March 23, 1869, is organized, and ready to receive any communication he may be pleased to make.

Which was adopted.

The President appointed as such committee, on the part of the Senate, Messrs. Church, Bradley and Jaquess.

Mr. Smith asked and obtained leave of absence for one week.

Mr. Stein offered the following resolution :

Resolved, That a committee of three be appointed to report Standing Rules for the government of the Senate during the present Session.

Which was agreed to.

On motion of Mr. Church, the Senate adjourned until to-morrow at nine o'clock A. M.

TUESDAY MORNING, 9 o'clock. }
April 13, 1869. }

The Senate met.

The Journal of yesterday was read.

The following Senators elect, appeared, presented their credentials, and were sworn into office by Lieutenant Governor Cumback, President of the Senate.

From the counties of Cass and Fulton—Charles B. Lasselle.

From the county of Allen—William W. Carson.

From the counties of Shelby and Bartholomew—Thomas G. Lee.

Mr. Stein submitted the following report :

MR. PRESIDENT:

Your Committee to whom was referred the preparation of Standing Rules for the government of the Senate, during the present Session, have had the subject referred to them under consideration and have instructed me to report the accompanying as such Standing Rules, the adoption of which they recommend.

STANDING RULES AND ORDERS FOR THE GOVERNMENT OF THE SENATE.

1. The President shall take the Chair every day precisely at two o'clock in the afternoon during the first fifteen days of the session, and thereafter at nine o'clock in the forenoon, and two o'clock in the afternoon, unless the Senate shall, by motion, have adjourned to some other hour appointed by such motion. He shall immediately call the Senators to order; and on the appearance of two-thirds, shall cause the Journal of the preceeding day to be read.

2. Nine Senators with the President, or ten in his absence, having chosen a President *pro tem.* shall be authorized to call a Senate, compel the attendance of absent Senators, make an order for their fine, or censure, and may adjourn.

3. The President shall preserve order and decorum, may speak to points of order in preference to Senators, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Senate by any two Senators, on which appeal no Senator shall speak more than once, unless by leave of the Senate.

4. The President shall rise to put a question, but may state it sitting.

5. Questions shall be distinctly put in this form, to-wit: "As many as are of the opinion, that (as the question may be) say Aye," and after the affirmative voice is expressed, "as many as are of the contrary opinion, say No." If the President doubts, or a division be called for, the Senate shall divide; those in the affirmative of the question shall first rise from their seats, and afterward those in the negative.

6. The President shall have a general direction of the Senate Chamber. He shall have the right to name any Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. He shall have the right to name any Senator to bear messages to the House, and to appoint all committees, subject to the addition of other Senators, upon motion.

7. The President shall, when the Senate is equally divided, give the casting vote.

8. Twenty-eight Standing Committees, not to exceed seven members, shall be appointed at the commencement of each session, viz: 1st, on Elections; 2d, on Finance; 3d, on Judiciary; 4th, on Education; 5th, on Corporations; 6th, on Roads; 7th, on Benevolent Institutions of the State; 8th, on Agriculture; 9th, on Banks; 10th, on Manufactures; 11th, on Printing; 12th, on Public Buildings; 13th, on the State Prisons; 14th on Canals and Internal Improvements; 15th, on State Library; 16th, on Fees and Salaries; 17th, on Claims; 18th, on Military Affairs; 19th,

on Phraseology, Arrangement and Enrollment of Bills; 20th, on Unfinished Business; 21st, on Organization of Courts; 22d, on Federal Relations; 23d, on Expenditures; 24th, on Swamp Lands; 25th, on Temperance; 26th, on County and Township Business; 27th, on Rights and Privileges of the Inhabitants of the State; 28th, on the House of Refuge.

9. It shall be the duty of the Committee on Elections to examine and report upon the certificates and other credentials of the Senators returned to serve in the Senate, and to take into consideration all petitions, documents, and evidence relating to elections, which may be referred to them by the Senate; and each of the other committees shall perform such services, and take into consideration all subjects and matters required of them by the Senate.

10. No Committee shall sit during the sitting of the Senate, without special leave.

11. All questions relating to the priority of business to be acted upon, shall be decided without debate.

12. When any Senator is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat, respectfully address himself to the question under debate, and avoid personality. And no Senator shall impeach the motives of any other Senator's vote or argument.

13. If any Senator, in speaking, or otherwise, transgress the rules of the Senate, the President shall, or any Senator may call him to order; in which case, the Senator so called to order, shall immediately sit down, unless permitted to explain; and the Senate shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the Senator called to order, he shall be at liberty to proceed. If otherwise, and the case require it, he shall be liable to the censure of the Senate.

14. When two or more Senators happen to rise at once, the President shall name who is first to speak.

15. No Senator shall speak more than twice on the same question without the leave of the Senate, nor more than once until every Senator choosing to speak shall have spoken.

16. While the President is putting the question, or addressing the Senate, no Senator shall walk across or out of the house, nor when a Senator is speaking shall any entertain private discourse, or pass between him and the Chair.

17. No Senator shall be compelled to vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put; but appearing afterwards, he may, by permission, have his name called and vote.

18. Upon a division and count of the Senate on any question, no Senator without the bar shall be counted.

19. Every Senator who shall be in the House when the question is put, shall give his vote, unless the Senate, for special reasons, excuse him. But the question of excusing a Senator shall be decided summarily, without debate.

20. When a motion is made and seconded, it shall be stated by the President; or, being in writing, it shall be handed to the Secretary, and then read aloud before debated.

21. Every motion shall be reduced to writing, if the President or any Senator desire it.

22. After a motion is stated by the President and read, it shall be deemed to be in possession of the Senate, but may be withdrawn at any time before decision or amendment.

23. When a question is under debate, no motion shall be received but

1st. To adjourn.

2d. To lie on the table.

3d. For the previous question.

4th. To postpone indefinitely.

5th. To postpone to a certain day.

6th. To commit; or,

7th. To amend.

Which several motions shall have precedence in the order in which they stand arranged.

24. When a question is postponed indefinitely, the same shall not be acted upon during the Session.

25. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators voting; and until it is decided, shall preclude all debate, and the introduction of all further amendments. The main question shall be the first question in order, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote on the subsidiary questions then pending, in their order, and then on the main question.

26. Motions and reports may be committed at the pleasure of the Senate.

27. Any member may call for the division of a question, where the sense will admit of it.

28. No new motion or proposition shall be admitted under color of amendment, as a substitute for the motion or proposition under debate.

29. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move a reconsideration thereof, on the same or any other day during the session, but such motion can be entertained but once during the same session.

30. When the reading of a paper is called for, if any objection is made, it shall be decided by a vote of the Senate.

31. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the orders of the day, and no motion*or any other business shall be received, without special leave of the Senate, until the former is disposed of.

32. If a question depending be lost by adjournment of the Senate, and revived on the succeeding day, no Senator who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

33. Petitions, memorials, and other papers addressed to the Senate, may be presented by the President, or by any Senator.

34. A motion to adjourn shall always be in order, except when the previous question is pending, and shall be decided without debate. The question pending on adjournment shall be resumed on reassembling, unless otherwise ordered by the Senate.

35. It shall be in order for the committee on phraseology, arrangement and enrollment of bills, to report at any time, when no question is before the Senate.

36. Every bill shall be introduced by motion on leave, or by order of the Senate.

37. Every bill shall receive three several readings in the Senate, previous to its passage, and all bills shall be dispatched as they were introduced, unless in case of urgency.

38. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or the question to reject be negatived, the bill shall go for its second reading without a question.

39. Upon the second reading of a bill, the President shall state that it is ready for commitment, amendment, or engrossment; and if committed, then the question shall be, whether to a select or standing committee of the whole Senate the Senate shall determine on what day. But if the bill be ordered to be engrossed, the Senate shall appoint the day when it shall be read a third time. It shall be in order to read bills on their second reading by title, for reference, and when so referred, it shall be in order for the committee to which they shall be referred, to report on the same with or without amendments, and the bill when returned, shall be upon the second reading, and shall then, with the amendments proposed, if any, be read through by sections.

40. Every report of a committee upon a bill which shall not be considered at the time of making the same, or laid on the table by a vote of the Senate, shall stand upon the General Orders with a bill, and be entered on the Journal.

41. After commitment and report thereof to the Senate, or at any time before its passage, a bill may be recommitted.

42. No amendment by way of a rider shall be received to a bill on its third reading.

43. When a bill shall pass, it shall be certified by the Secretary noting, at the foot thereof, the day of its passage.

44. In forming a Committee of the Whole Senate, the President leaving the chair, shall appoint a Chairman to preside.

45. Upon bills committed to a Committee of the Whole Senate, the bill shall be first read throughout by the Secretary, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the Committee, and so reported to the Senate; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

46. All questions, whether in Committee or in the Senate, shall be put in the order in which they are moved, except that in filling up blanks, the largest sum and longest time shall be first put.

47. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole Senate.

48. The rules of proceeding in the Senate shall be observed in a Committee of the Whole Senate, so far as they may be applicable, except the rule limiting the time of speaking, but no Senator shall speak twice to any question until every Senator choosing to speak shall have spoken.

49. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

50. No Senator shall absent himself from the service of the Senate, unless he have leave, or be sick and unable to attend.

51. Each officer of the Senate shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another is chosen.

52. It shall be the duty of the Doorkeeper to attend the Senate during its sittings; execute all its demands and process to him given and directed; give notice of and carry all messages, either public or private, he may be required to carry; keep the Senate chamber and furniture clean and in due order, and at all times keep good and sufficient fires, when the same may be necessary; when requested to call a Senator, he shall do so by name.

53. When a reference is made of any subject to a standing committee, the Senator introducing the same shall be a member of such committee during its deliberations thereon, but shall have no power to vote.

54. The daily order of transacting business shall be as follows, viz: 1st. Reading and correcting the Journal of the preceding day; 2d. Introduction of petitions, memorials, and remonstrances; 3d. Reports from standing committees; 4th. Reports from select committees; 5th. Resolutions of the Senate, 6th. Joint resolutions; 7th. Bills; and 8th, Orders of the day: *First*, Messages from the House, requiring action on the part of the Senate; *Second*, Bills on second reading; *Third*, Bills on third reading.

55. In all joint meetings of the two houses of the Legislature, convened for a specific purpose, it shall be incompetent for this body, or its members, to engage in such joint meetings in the transaction of any other business than that for which they were so specially assembled.

56. When a bill or joint resolution shall have failed for want of a constitutional majority, but shall have received the vote of the

majority of the members present, it shall be subject to be called up in its order, at the instance of any Senator on any subsequent day, but when it shall have failed to receive the votes of a majority of the members present, it shall only be again called up by a motion to reconsider the previous vote.

Resolved, That with the Rules of the Senate be printed the letter of Governor Conrad Baker, addressed to O. M. Wilson, the author of a Digest of Parliamentary Law, touching the Constitutional provisions of legislation in reference to Bills and Joint Resolutions, and other matters pertaining to proper legislation.

Passed Senate 14th January, 1869.

O. M. WILSON, *Secretary*.

Which was adopted.

Mr. Stein moved that two hundred copies of the report be printed.

Mr. Hadley moved to amend by striking out "two hundred" and inserting "one hundred."

Which was not agreed to.

The motion to print two hundred copies was then agreed to.

The following was announced by the President as the

STANDING COMMITTEES OF THE SENATE.

1. *On Elections.*

Messrs. Robinson of Madison, Scott, Case, Stein, Howk, Taggart and Reynolds.

2. *On Finance.*

Messrs. Wolcott, Gray, Fisher, Jaquess, Morgan, Turner and Smith.

3. *On the Judiciary.*

Messrs. Caven, Rice, Robinson of Madison, Hanna, Howk, Scott and Stein.

4. *On Education.*

Messrs. Bellamy, Kinley, Carson, Wood, Stein, Morgan and Turner.

5. *On Corporations.*

Messrs. Rice, Gray, Green, Hooper, Hanna, Sherrod and Carson.

6. *On Roads.*

Messrs. Robinson of Decatur, Armstrong, Huey, Hess, Andrews, Johnston of Montgomery and Johnson of Spencer.

7. *On Benevolent Institutions.*

Messrs. Church, Green, Reynolds, Bradley, Rice, Gifford and Huffman.

8. *On Agriculture.*

Messrs. Reynolds, Johnston of Montgomery, Robinson of Decatur, Lee, Gifford, Humphreys and Jaquess.

9. *On Banks.*

Messrs. Gray, Wolcott, Hooper, Hamilton, Fisher, Sherrod and Morgan.

10. *On Manufactures.*

Messrs. Armstrong, Beardsley, Andrews, Johnson of Spencer, Henderson, Lee and Sherrod,

11. *On Public Printing.*

Messrs. Fisher, Hadley, Beardsley, Colley, Taggart, Lasselle and Humphries.

12. *On Public Buildings.*

Messrs. Montgomery, Colley, Fosdick, Bellamy, Huey, Lee and Sherrod.

13. *On Prisons.*

Messrs. Andrews, Armstrong, Montgomery, Jaquess, Denbo, Smith, and Johnson of Spencer.

14. *On Canals and Internal Improvements.*

Messrs. Cravens, Hughes, Smith, Fisher, Hawk, Armstrong and Wood.

15. *On State Library.*

Messrs. Wood, Fisher, Bellamy, Henderson, Huffman, Andrews and Bird.

16. *On Fees and Salaries.*17. *On Claims.*

Messrs. Jaquess, Hess, Caven, Denbo, Hooper, Bradley and Johnson of Montgomery.

18. *On Military Affairs.*

Messrs. Hadley, Jaquess, Kinley, Bird, Hamilton, Sherrod and Lasselle.

19. *On Phraseology, Arrangement of Bills and Enrolled Bills.*

Messrs. Hooper, Colley, Denbo, Hadley, Hanna, Hawk and Robinson of Madison.

20. *On Unfinished Business.*

Messrs. Elliott, Cravens, Green, Fosdick, Carson, Henderson and Turner.

21. *On Organization of Courts.*

Messrs. Stein, Robinson of Madison, Scott, Green, Smith, Denbo and Hanna.

22. *On Federal Relations.*

Messrs. Scott, Robinson of Decatur, Cravens, Reynolds, Gifford, Humphries and Lasselle.

23. *On Expenditures.*

Messrs. Hughes, Kinley, Montgomery, Armstrong, Beardsley, Henderson and Lee.

24. *On Swamp Lands.*

Messrs. Hess, Gray, Hamilton, Case, Lasselle, Hadley and Huffman.

25. *On Temperance.*

Messrs. Kinley, Rice, Church, Robinson of Decatur, Taggart, Armstrong, and Bradley.

26. *On County and Township Business.*

Messrs. Case, Colley, Hughes, Jaquess, Gifford, Lee and Denbo.

27. *On the Rights and Privileges of the Inhabitants of the State.*

Messrs. Johnson of Spencer, Caven, Hughes, Stein, Carson, Huffinan and Bradley.

28. *On House of Refuge.*

Messrs. Hooper, Hadley, Case, Elliott, Bird, Bradley and Henderson.

29. *On Emigration.*

Messrs. Fosdick, Church, Johnson of Spencer, Huffman, Lee, Henderson, Andrews and Scott.

30. *On Congressional Apportionment.*

Messrs. Hamilton, Robinson of Madison, Hess, Case, Church, Scott, Morgan, Denbo, Cravens, Elliott and Hadley.

31. *On Legislative Apportionment.*

Messrs. Colley, Green, Bird, Beardsley, Reynolds, Hughes, Jaquess, Sherrod, Gifford, Robinson of Decatur, and Stein.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate, appointing a joint committee of the two Houses to wait upon his Excellency, Governor Baker, and inform him that the General Assembly is properly organized, and ready to receive communications from him ; and the House has appointed on its part Messrs. Pierce of Porter, Stanton and Coffroth upon said committee.

Mr. Hanna asked to be, and was excused from serving on the Committee on Education.

Mr. Church, from a select committee, made the following report :

MR. PRESIDENT :

The select committee appointed by the Senate, to act with a similar committee on the part of the House, to wait upon his Excellency, the Governor, and ascertain at what time it would be convenient for him to communicate his message to the General Assembly, have performed their duty, and beg leave to report that it will suit his convenience to attend to that duty in the Hall of the House to-day at 4 o'clock P. M.

Which report was concurred in.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Johnson of Montgomery presented a petition from sundry citizens of Montgomery county, praying for the passage of the bill abolishing spring elections.

Which was referred to the Committee on Elections.

Mr. Case presented a petition from sundry citizens of Lagrange

county, asking for the enactment of a law prohibiting the sale of intoxicating liquors as a beverage, etc.

Which was read and referred to the Committee on Temperance.

Mr. Case presented a petition of sundry citizens of Lagrange county, asking the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provisions for the detection and punishment of the offender.

Which was referred to the Committee on Temperance.

RESOLUTIONS.

Mr. Gifford offered the following resolution:

Resolved, That a committee of three be appointed by the President of the Senate, with instructions to limit the employes to the number actually required to do the work of their several departments during this session of the General Assembly.

Which was adopted.

The President appointed on said committee Messrs. Gifford, Robinson of Decatur, and Hadley.

Mr. Johnson of Montgomery offered the following:

WHEREAS, There is some dissatisfaction as to seats in the Senate chamber; Be it therefore

Resolved, That the Secretary be directed to place in a hat a number of tickets equal to the whole number of seats in this chamber, numbered corresponding with the numbers on the desks, and the Senators proceed at once to draw for seats, each Senator be entitled to the desk numbered corresponding with the number on the ticket that he may draw.

Mr. Wolcott moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Johnson of Montgomery and Bradley.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Case, Caven, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hess, Hooper, Huffman, Jaquess, Kinley, Laselle, Lee, Rice, Reynolds, Robinson of Decatur, Scott, Stein and Wolcott—28.

Those who voted in the negative were,

Messrs. Bird, Bradley, Church, Gray, Hanna, Henderson, Humphreys, Johnson of Montgomery, Montgomery, Morgan, Robinson of Madison, Sherrod, Taggart and Wood—14.

So the motion to lay the resolution upon the table was agreed to.

Mr. Cravens introduced

Joint Resolution No. 1. A joint resolution accepting and ratifying a certain amendment to the Constitution of the United States.

WHEREAS, Congress has, by a two-thirds vote, proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes as a part of this Constitution, namely: ARTICLE XV, SEC. 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race or color, or previous condition of servitude. SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That said Fifteenth Amendment to the Constitution of the United States, is hereby accepted and ratified on the part of the State of Indiana.

Mr. Cravens offered the following concurrent resolution:

Resolved, By the Senate, the House of Representatives concurring, that the consideration of the Joint Resolution, accepting or ratifying, on the part of Indiana, the proposed Fifteenth Amend-

ment to the Constitution of the United States, be postponed, and made the special order for action at two o'clock P. M., on Tuesday the eleventh, (11th,) day of May next, ensuing in Joint Assembly of the two Houses, to be held in the Hall of the House of Representatives, on said day, and at said hour.

Mr. Cravens moved the previous question.

Which was not seconded by the Senate.

Mr. Hanna moved to strike out that portion of the resolution which provides for a Joint Convention of the two branches of the General Assembly.

Messrs. Johnson of Montgomery, and Hanna, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Caven, Denbo, Gifford, Hanna, Henderson, Hooper, Huffman, Humphreys, Jacquess, Johnson of Spencer, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Sherrod and Taggart—20.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—24.

So the motion to strike out was not agreed to.

The following Message from the House was taken up.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, By the House of Representatives, the Senate concurring, that a Committee of three be appointed on the part of the

House, to act with a like Committee on the part of the Senate, to invite some Minister of the Gospel to open the Joint Convention of the General Assembly, at four o'clock p. m., to-day, with prayer.

Messrs. Hamilton, Monroe and Calvert, have been appointed such Committee on the part of the House.

Which was concurred in.

The President appointed as such Committee on the part of the Senate:

Messrs. Hamilton, Hadley and Morgan.

On motion of Mr. Gray, the Senate adjourned until two o'clock p. m.

TUESDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Johnson of Montgomery, offered the following amendment: Strike out all that refers to a concurrence of the two Houses, and strike out that part which refers to a Joint Convention of the two Houses.

Mr. Johnson of Montgomery, moved that the resolutions and pending amendments be postponed, and made the special order for the 11th of May next, at two and a-half o'clock p. m.

By the unanimous consent of the Senate, Mr. Johnson of Montgomery, withdrew his amendment, and motion to postpone.

By the unanimous consent of the Senate, Mr. Cravens withdrew Joint Resolution No. 1, and the concurrent resolution in reference to the postponement of action thereon.

The following Message from the House was taken up, and the invitation therein contained, was accepted.

Message from the Senate by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Sanate that the House has passed the following resolution :

Resolved, That the Senate be invited to repair to the Hall of the House of Representatives at four o'clock P. M. of to-day, to listen to the Message of His Excellency, the Governor, and that seats be provided for them on the right of the Speaker.

The Senate then repaired to the Hall of the House of Representatives, and the Joint Convention was called to order by Lieutenant Governor Cumback, when the same was opened with prayer, by Reverend Mr. Sims.

Governor Conrad Baker then delivered the following Message :

Gentlemen of the Senate and House of Representatives :

No one more sincerely than myself regrets the necessity which existed for convening a special session of the General Assembly at this time. The duty of calling you together at the earliest practicable period after the termination of the late regular session was so obvious that I do not intend to occupy a moment of your time in justification or explanation of the proclamation in pursuance of which you are now assembled. By the resignation of seventeen Senators and thirty-five Representatives, two days prior to the last legislative day of the late regular session, the General Assembly was practically dissolved, the quorum being, by said resignations, destroyed in both Houses. When this happened no appropriations had been made to meet the ordinary expenditures of the State government for the years 1869 and 1870, or for the support of the benevolent and other public institutions of the State during the same period.

The fact that the General Assembly has, on three different occasions within the last twelve years, been disbanded by the action of a minority of its members before the appropriations necessary to

carry on the State government and meet the current expenses of the benevolent institutions had been passed, seems to imperatively demand that these absolutely necessary appropriations should be so provided for by a permanent and continuing law that shall be placed beyond and above the demands and vicissitudes of mere party organizations. To this end, I respectfully recommend the passage of an act providing that, whenever the General Assembly, at its regular biennial session, shall fail to pass laws making appropriations for the ordinary expenses of the State government, and for the support of its benevolent and other public institutions, then it shall be competent for the State officers to direct the Auditor of State to draw his warrant on the State Treasury for the amounts necessary for the purposes, not exceeding, however, the amounts appropriated for the same purposes for the last year for which appropriations shall have been made. It would be no difficult matter to frame a law of this kind so as to securely guard the treasury against improper drafts being made upon it, and at the same time protect the public interests against the consequences of a failure on the part of the General Assembly to make these necessary appropriations. In the absence of such a law, whenever the General Assembly fails to pass the necessary appropriation bills, the State government must either cease to perform its functions, and the inmates of the benevolent institutions be disbanded, or loans must be contracted without the authority of law to enable those functions to be carried on and those institutions to be supported. I think no candid man will dispute the correctness of the proposition that when one branch of the State government fails or refuses to perform a clear duty which it alone is competent to perform, another branch of the same government should not, by such failure, be left in a position in which it can not perform its own duties without assuming powers not conferred by the constitution and laws. The provision I am asking you to make for all these ordinary and necessary expenditures has long since been adopted in relation to the Institution for the Deaf and Dumb.

By the law governing that Institution ample provision is made for drawing money from the treasury for its ordinary expenses in the event that the Legislature should fail to make the regular biennial appropriation.

At your late session, in passing the General Revenue Law, you wisely made the tax a continuous one until changed by law. This was doubtless done to meet the contingency of a failure to pass a revenue law. I ask that the same principle be adopted respecting such appropriations as are absolutely necessary for the continuance of the State government and the support of the public institutions of the State.

I trust, now that you are again in session, that you will, without distinction of party, feel that your first and paramount duty is to make the appropriations which the exigencies of the public service so manifestly demand.

The Constitution of the State in terms declares that "it shall be the duty of the General Assembly to provide by law for the support of institutions for the education of the deaf and dumb and the blind, and also for the treatment of the insane."

Every member of this General Assembly, in common with myself, has taken an oath to support the constitution of which the section quoted is a part. Here then is a plain duty, binding upon every member, regardless of his party affiliations or relationship. Now, shall a plain duty like this, concerning which honest, intelligent minds can not differ, be subordinated to or made dependent upon any other question of party politics upon which there may be an honest and an earnest difference of opinion? I trust not. I hope you will, with the least practicable delay, make the necessary appropriations, and especially those required to meet the liabilities already contracted by the Trustees of the State Normal School, the Commissioners of the House of Refuge, and the Trustees of the Soldiers' Home. The managers of these institutions have been greatly embarrassed by reason of the fact that provision has not been made for the payment of these debts, and the gentlemen who have made advances for these institutions have been put to inconvenience by reason of the non-payment of these advances.

Having, at the opening of the last regular session, given to you such information touching the condition of the State as was thought necessary, and having recommended such measures as were judged expedient, I deem it only necessary to refer you to the message then communicated, instead of restating the same infor-

mation, and reiterating the same recommendations. I beg, however, before closing, to submit for your consideration a supplemental report of the Trustees of the Soldiers' Home, setting forth the necessity which exists for such an institution, and demonstrating that it should receive from the State a more liberal support than was proposed to be given by the General Appropriation bill which passed the House at the last session.

By the Revenue bills passed at the late session, the State Debt Sinking Fund tax was reduced one-half, or from twenty cents to ten cents on each one hundred dollars in value of property, and the State Debt tax proper was reduced one-fourth, or from twenty cents to fifteen cents. This is certainly a satisfactory reduction, and, if local taxation could be reduced in a corresponding ratio, there would be little cause of complaint of the burthens of taxation. With this large reduction, the State will still be in a condition to make all the appropriations contemplated at the regular session, and increase the allowance to the Soldiers' Home to the extent asked for by the Trustees of that institution. I believe that duty to our disabled soldiers, and to the orphan children of those who have passed away, requires this at our hands. A careful study of the facts stated in the supplemental report of the Trustees will convince any unprejudiced mind of the necessity of such an institution, and of increased liberality in your appropriations for its enlargement and support.

I herewith also respectfully submit for your consideration a supplemental report of the Directors of the State Prison South, showing that, for reasons therein set forth, the finances of said prison are not in so favorable a condition as was represented in the late annual report of the Directors. This discrepancy grows out of the fact, as the supplemental report alleges, that the late Warden had contracted debts on account of the prison, no account of which was contained on the books, and no report of which was made to the Directors. This supplemental report also asks an appropriation for repairs; and shows that the number of prisoners is decreasing, and that Marion county should be re-annexed to the Southern Prison District.

Since the close of the last regular session, I have been informed by M. P. Ghee, Esq., one of the Directors of said prison, that he

has accepted an appointment under the General Government, (viz : that of Gauger of Distilled Spirits,) and has qualified, thereby vacating the office of Director of the Prison. I herewith submit a copy of his letter announcing the fact, to the end that you may take such steps to fill the vacancy as to you may seem proper.

I trust you will have a pleasant and harmonious session, and that your deliberations will result in the passage of such measures as will be promotive of the welfare of the State and the happiness of the people.

CONRAD BAKER.

The Joint Assembly then adjourned and the Senate repaired to their chamber.

When, on motion of Mr. Stein, the Senate adjourned.

WEDNESDAY AFTERNOON, 2 o'clock, }
 April 14, 1869. }

The Senate met.

The Journal of yesterday was read.

The President appointed Mr. Morgan to fill the vacancy in the Committee on Education, occasioned by the withdrawal of Mr. Hanna therefrom.

Mr. Wood asked and obtained leave of absence for Mr. Rice, until to-morrow evening.

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 310, entitled "A bill touching vacancies in county and township offices, and filling the same by appointment; repealing all laws in conflict with the provisions of this act, and declaring an emergency.

Also, that the House has passed the accompanying concurrent resolution, on the subject of the navigation of the Ohio river:

REPORTS FROM SELECT COMMITTEES.

Mr. Hadley, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 64, have had the same under consideration, and have directed me to report the same back, with the following amendments, and, when so amended, they recommend its passage:

Insert after the word "terms" in the tenth line of said second section, the following: "or longer in the discretion of the Court."

Add to said second section the following:

And, provided further, that if the business pending in said Court in the county of Marion, at any term, shall not be disposed of at the time fixed for holding court in the county of Hendricks, the said court in the county of Marion, may be adjourned for the period of two weeks, when the business of said court shall be resumed as if no adjournment had been made.

Also, strike out the word March, in the eleventh line of the fifth section, and insert the word July.

Strike out the word January in the fifth line of the second section, and insert the word February.

Strike out the word first in the sixth line of said second section, and insert the word third.

Strike out the word third in the eighth line of said second section, and insert the word first.

Strike out the word February in the fifteenth line of said second section, and insert the word January.

Strike out the word third in the sixteenth line of said second section, and insert the word first.

Strike out the word third in the seventeenth line of said second section, and insert the word second.

Which report was concurred in.

RESOLUTIONS.

Mr. Hanna offered the following resolution:

Resolved, That the Committee on Finance be requested to return the General Appropriation Bill for the action of the Senate at an early day, with such recommendations as they may make.

Which resolution was adopted.

Mr. Stein offered the following resolution :

Resolved, That at the opening of each day's session of the Senate, one hour be assigned to general business, after which the order of business adopted upon the motion of the Senator from Monroe, at the last session, establishing a special calendar of bills be taken up and carried through from the point where it was left at said last session.

And for the purpose of executing this resolution, be it further

Resolved, That the regular order of business be suspended from day to day, after the first hour, until the bills embraced in said calendar, are duly disposed of.

Which, under the rules, was ordered to lie over until tomorrow.

Mr. Hamilton offered the following resolution :

Resolved, That the Librarian be authorized to furnish each Senator with stationery and stamps, to the amount of fifteen dollars, on his own order, and each of the Standing Committees of the Senate, with five dollars worth of stationery, on the order of the Chairman thereof.

Mr. Fisher moved to strike out fifteen and insert ten.

Messrs. Fisher and Montgomery demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Henderson, Hess, Hooper, Humphreys, Jacquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Reynolds, Robinson of Decatur, Sherrod, Turner, Wolcott and Wood—29.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Church, Elliott, Hamilton, Hanna, Huey, Laselle, Montgomery, Morgan, Robinson of Madison and Taggart—13.

So the amendment was adopted.

Mr. Gifford moved that the President of the Senate be included in the resolution.

Which was agreed to.

The question recurring on the adoption of the resolution as amended.

Messrs. Carson and Gifford, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Case Cravens, Caven, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hess, Huffman, Humphreys, Jacquess, Kinley, Lee and Wood—21.

Those who voted in the negative were,

Messrs. Bradley, Carson, Church, Elliott, Hadley, Hamilton, Hanna, Henderson, Hooper, Huey, Johnson of Spencer, Johnson of Montgomery, Laselle, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Sherrod, Stein, Taggart, Turner and Wolcott—23.

So the resolution was not adopted.

Mr. Hooper offered the following resolution :

Resolved, That all business remaining on the files and in the hands of committees at the close of the regular session shall be taken up in the same manner as though the regular session had been continued, except that no regard shall be had to the special calendar adopted at the close of the last session.

Which, under the rules, was ordered to lie over until to-morrow.

Mr. Stein moved that all resolutions to change the rules be made at the next meeting of the Senate.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following preamble and resolution, to-wit:

WHEREAS, The Senate and House Sub-committee on Affairs on State Prisons, in their investigation of charges of certain directors of the State Prison South, made that investigation jointly, and had but one copy of the evidence prepared, believing that to be sufficient for the use of both committees, and which copy was submitted by the chairman of the Senate committee, together with his report in the Senate;

AND WHEREAS, The Senate refused to allow said copy to be withdrawn for the use of the House committee; therefore,

Resolved, That the Senate be requested to furnish a copy of said evidence to this House.

Mr. Sherrod offered the following resolution :

Resolved, That a committee of three be appointed, whose duty it shall be to inquire into, and report the amount of stationery, stamps and newspapers needed by each Senator and Officer of the Senate.

Which was not adopted.

Mr. Andrews offered the following resolution :

Resolved, That the State Printer be directed to provide 250 copies of the Supplemental Report of the Directors of the State Prison South, and furnish 200 of the same to the Senate, and 50 to the officers of the Prison. Also, that said Printer furnish to the Senate 200 copies of the Reports of the Northern Prison, as ordered and printed at the last regular session, and not delivered to the Senate.

Which was adopted.

Mr. Bellamy offered the following resolution :

Resolved, That the Doorkeeper be authorized to contract for, and place upon the desk of each Senator, three copies of the *Daily Journal*, three copies of the *Daily Sentinel*, three copies of the *Evening Commercial*, three copies of the *Mirror*, two copies of the *Telegraph* and two copies of the *Volksblatt*, two copies of each wrapped and stamped for mailing; provided, the said papers publish an accurate account of the proceedings of this General Assembly.

Mr. Cravens offered the following amendment:

That each Senator and Officer of the Senate be authorized to direct the Doorkeeper to subscribe for, and lay upon his table, one paper each, such Officer and Senator to select such paper as he may choose.

Which was not agreed to.

Mr. Andrews moved to amend by striking out all but *Journal* and *Sentinel*. [^]

The ayes and noes were demanded by Messrs. Johnson of Montgomery and Hadley.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bird, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huffman, Johnson of Montgomery, Kinley, Montgomery, Reynolds, Robinson of Decatur and Sherrod—21.

Those who voted in the negative were,

Messrs. Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Denbo, Elliott, Hanna, Huey, Humphreys, Jaquess, Johnson of Spencer, Laselle, Lee, Morgan, Robinson of Madison, Stein, Taggart, Turner, Wolcott and Wood—23.

So the amendment was not adopted.

Mr. Lasselle moved to amend by inserting six instead of two copies of the *Volksblatt*.

The ayes and noes were demanded by Messrs. Johnson of Montgomery and Bradley.

S. J. Ex. S.—4.

Those who voted in the affirmative were,

Messrs. Bradley, Carson, Caven, Church, Denbo, Gifford, Hanna, Henderson, Huey, Humphreys, Lasselle, Lee, Morgan, Sherrod, Taggart and Turner—16.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Case, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Huffman, Jaquess, Johnson of Spencer, Kinley, Montgomery, Reynolds, Robinson of Madison, Robinson of Decatur, Stein, Wolcott and Wood—27.

So the amendment was not adopted.

Mr Turner moved to amend, by striking out two and inserting five.

Mr. Stein moved the previous question,

Which was seconded by the Senate.

The question being upon the adoption of the amendment offered by Mr. Turner,

Messrs. Gifford and Bradley demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lasselle, Montgomery, Morgan, Sherrod, Taggart, Turner and Wood—29.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Fisher, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wolcott—15.

So the amendment was adopted.

The question recurring upon the adoption of the resolution as amended,

Messrs. Johnson, of Montgomery, and Bradley demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bellamy, Bradley, Carson, Case, Caven, Denbo, Elliott, Huey, Humphreys, Jaquess, Johnson of Spencer, Lasselle, Lee, Morgan, Robinson of Madison, Stein, Taggart, Turner and Wood—19.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huffman, Johnson of Montgomery, Kinley, Montgomery, Reynolds, Robinson of Decatur, Sherrod and Wolcott—25.

So the resolution was not adopted.

Mr. Johnson, of Montgomery, offered the following resolution

Resolved, That when the Senate adjourn, it adjourn to meet tomorrow morning, at nine o'clock.

Which was adopted.

Mr. Kinley offered the following resolution :

Resolved, That the Enrolling Clerk of the Senate be instructed to have copied, for the use of the House of Representatives, the evidence taken by the joint investigating committee of the two Houses, on the affairs of the State Prison South.

Which was adopted.

BILLS INTRODUCED.

Mr. Robinson, of Decatur, introduced

Senate bill No. 306, entitled "An act to amend section one of an act entitled, 'An act to authorize Township Trustees of incorporated towns, and the Common Councils of cities, to levy a tax for

school purposes,' approved March 9, 1867, and to prevent the collection of assessments for the year 1869, unless petitioned for, in accordance with the provisions of this act."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnson, of Montgomery, introduced

Senate bill No. 307, entitled "A bill to amend an act entitled, 'An act to amend an act authorizing the construction of plank macadamized and gravel roads, and to empower the same to make sale of a portion of their roads,' approved February 28, 1855."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bellamy introduced

Senate bill No. 308, entitled "An act to amend an act entitled, 'An act to regulate the terms of the Circuit Courts in the First Judicial Circuit,' approved February, 1869."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Stein introduced

Senate bill No. 309, entitled "An act to require all acts to be prospective in their operation, unless otherwise especially provided therein."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Armstrong introduced

Senate bill No. 310, entitled "An act to establish uniformity in the measurement of lime."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bird introduced

Senate bill No. 311, entitled "An act to authorize the Boards of

County Commissioners of the counties of this State to make appropriations and donations, for purposes therein mentioned."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Montgomery introduced

Senate bill No. 312, entitled "An act to regulate fees of printers, in certain cases, and making provisions for notice to non-resident parties."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fisher introduced

Senate bill No. 313, entitled "A bill allowing bills of exceptions in term of vacation, in criminal cases."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Henderson introduced

Senate bill No. 314 "An act to suspend for four years, the operation of an act entitled, 'An act to amend sections one and three of an act entitled, An act to provide for the re-location of county seats, and for the erection of public buildings in counties, in case of such re-location,' approved March 2, 1855, and to amend section one of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of Commissioners," approved February 24, 1869.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hooper introduced

Senate bill No. 315, entitled "An act authorizing the Secretary of State to systematically arrange and index records and papers on file in his office, and making an appropriation to defray the expenses thereof, and declaring an emergency."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Case introduced

Senate bill No. 316, entitled "An act relative to the residence of parties plaintiff, and regulating the service of summons on defendants in divorce cases, and repealing laws in conflict therewith."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Case introduced

Senate bill No. 317, entitled "An act providing against fraud and corruption in procuring of divorces in the Courts of this State, declaring the same to be a felony, and providing a punishment therefor."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Stein introduced

Senate bill No. 318, authorizing married women to make contracts, rendering their separate property liable therefor, exempting such property and their earnings from the debts of their husbands, and exempting the property of husbands from the separate debts of wives.

Which was read a first time, and passed to a second reading on to-morrow.

The following message from the House was taken up, and laid upon the table:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following preamble and resolution, to-wit:

WHEREAS, The Senate and House sub-committee on affairs of State Prisons, in their investigation of charges of certain Directors of the State Prison South, made that investigation jointly, and had

but one copy of the evidence prepared, believing that to be sufficient for the use of both committees, and which copy was submitted by the chairman of the Senate committee, together with his report to the Senate.

AND WHEREAS, The Senate refused to allow said copy to be withdrawn for the use of the House committee; therefore,

Resolved, That the Senate be requested to furnish a copy of said evidence to this House.

The message from the House, containing a concurrent resolution in reference to the navigation of the Ohio river, was taken up.

On motion of Mr. Wolcott, it was referred to a select committee of three, consisting of Messrs. Wolcott, Bradley and Bellamy.

Senate bill No. 90, entitled "A bill to amend the thirty-fourth subdivision of section fifty-three of an act entitled, 'An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 14, 1867, and declaring an emergency," with engrossed House amendments pending at the close of the regular session of 1869, was taken up.

The Senate refused to concur in said amendments, and directs its disagreement to be reported to the House.

HOUSE BILLS ON FIRST READING.

Engrossed House bill No. 310, entitled "A bill touching vacancies in county and township offices, and filling the same by appointment; repealing all laws in conflict with the provisions of this act, and declaring an emergency."

Was read a first time, and passed to a second reading on tomorrow.

SENATE BILLS ON SECOND READING.

Engrossed Senate bill No. 61. "An act providing for amendments of pleadings and papers in all proceedings of the courts of this State."

Was read a second time.

The amendments proposed by the committee concurred in, the bill ordered engrossed, and passed to a third reading on to-morrow.

Senate bill No. 240. "A bill to authorize the incorporation of societies for the study and practice of dentistry, defining their powers, and declaring an emergency."

Was read a second time, amendments reported by the committee were concurred in, and on motion of Mr. Robinson of Madison, was recommitted to the Committee on Corporations.

Senate bill No. 22. "A bill to regulate interest on judgments and decrees."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 284. "A bill to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 293. "An act to amend the 25th section of 'An act defining felonies, and prescribing punishment therefor;'" approved June 10, 1852.

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 294. "A bill to fix the time of holding courts in the counties of Carroll and Cass in the Eleventh Judicial Circuit."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 188. "An act to provide for the sale of certain land belonging to the State of Indiana, in the county of Clay."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 285. "An act to amend section 1 of an act entitled 'An act to incorporate the University of Notre Dame du Lac at South Bend, St. Joseph county, Indiana;'" approved January 15, 1844.

Was read a second time, and on motion of Mr. Robinson of Decatur, recommitted to the Committee on Corporations.

Senate bill No. 78. "A bill to repeal section 18 of an act entitled 'An act regulating descents, and the apportionment of estates;'" approved May 14, 1852.

Was read a second time, the amendments proposed concurred in, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 150. "An act defining the common school system of this State."

Was read a second time, amendments proposed concurred in, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 278. "A bill concerning appeals in cases of contempt,"

Was read a second time, the amendments concurred in, ordered to be engrossed, and passed to a third reading on to-morrow.

On motion of Mr. Gifford, the Senate adjourned,

THURSDAY MORNING, 9 o'clock, {
April 15, 1869. }

The Senate met.

The Journal of yesterday was read.

Message from the House by Mr. Merwin, clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, to-wit:

Senate bill No. 17. "A bill to regulate the sale of patent rights, and to prevent frauds in connection therewith." Also,

Senate bill No. 48. "A bill providing for the protection of the banks of water courses by securing the bushes growing along said banks from the ravages of stock." Also,

Senate bill No. 58. "A bill to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855. And

Senate bill No. 231. "A bill to amend section 2 of an act to provide for a State Debt Sinking Fund, approved December 21, 1865, making the Governor a member of the Board of State Debt Sinking Fund."

And the same are herewith returned to the Senate.

Mr. Green asked and obtained leave of absence for Mr. Elliott on account of sickness.

Mr. Carson asked and obtained leave of absence for Mr. Laselle till Friday next.

The special order for this hour being the consideration of the resolutions of Messrs. Stein and Hooper, changing the order of business,

Mr. Gifford offered the following as a substitute :

Bills shall be disposed of in the following order, viz : Bills on first reading, in the order in which they are introduced ; on second reading, in the order in which they are reported back ; on third reading, in the order in which they have been ordered to be engrossed.

Which was ordered to lie over till to-morrow, under the rules.

Mr. Humphreys moved that the whole subject lie on the table.

Which was not agreed to.

Mr. Hooper moved that the resolution of Mr. Stein be laid on the table.

Messrs. Johnson of Spencer, and Bellamy demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Hanna, Hess, Hooper Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Morgan and Taggart—22.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Gray, Green, Hadley, Hamilton, Henderson, Huey, Johnson of Spencer, Lee, Montgomery, Reynolds, Robinson of Decatur, Sherrod, Stein, Wolcott and Wood—18.

So the motion to lie on the table, was agreed to.

Mr. Hooper moved the adoption of his resolution.

Mr. Johnson of Spencer, moved that the resolution lie on the table.

Which was not agreed to.

The resolution of Mr. Hooper was then adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Caven presented a petition from sundry citizens of Indiana, asking protection from charlatanism in the Dental profession.

Which was referred to the Committee on Medical Legislation.

Mr. Caven presented the claim of J. A. Buchanan, for \$187 50, for discount on certificates of indebtedness, by the Board of Trustees for the Institution of the Blind.

Which was referred to the Committee on Claims.

Mr. Caven presented a memorial from the Board of Directors of the North Western Christian University, containing sundry propositions in reference to the location of the Agricultural College at or near Indianapolis.

Which was ordered to lie on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Gray from the Committee on Corporations, made the following report :

MR. PRESIDENT :

Your Committee on Corporations to whom was referred Senate bill No. 134, entitled a bill to authorize the construction of dikes, levees and drains, and the reclamation of wet and overflowed lands, by incorporated associations, and to repeal all laws relating to the same subject, instruct me to report, that they have had the same under consideration, and in accordance with instructions, propose the following amendment thereto.

Amend by striking out all after the enacting clause, and substituting the following bill ;

A bill to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by Incorporated Associations, and to repeal all former laws relating to the same subject.

Which report was concurred in.

Mr. Hanna from the Committee on the Judiciary made the following report :

MR. PRESIDENT :

Your Judiciary Committee to whom was referred House bill No. 138, entitled a bill declaratory of the Common Law, as to the duty of Railroad Companies, and other common carriers, in the transportation of freights, and to prevent extortionate charges for such transportation, and providing a remedy, and making claims assignable, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

As a member of said Committee I respectfully dissent.

H. D. SCOTT.

Which was concurred in.

Mr. Stein made the following report :

MR. PRESIDENT :

Your Committee to whom was referred House bill No. 5, entitled a bill to amend the one hundred and third section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions," report that they have had the same under consideration and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

Your Judiciary Committee, to whom was referred House bill No. 134, entitled "A bill to amend an act entitled 'An act to amend

section seventy-six of an act defining misdemeanors and prescribing punishment therefor," report, that they have had the same under consideration, and herewith return said bill, and respectfully recommend that it be referred to the Committee on Agriculture.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred House bill No. 127, entitled "A bill authorizing County Recorders to demand and receive their fees for recording, at the time deeds, mortgages and other papers are presented to them for record," report, that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Hanna, from the Judiciary Committee, submitted the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred House bill No. 161, entitled "A bill to amend an act exempting certain property from sale on execution, being chapter sixteen, approved February 17, 1854, by adding one additional section thereto," report, that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which was concurred in.

Mr. Wood, from the Committee on Education, submitted the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred House bill No. 113, entitled "A bill to render taxation for Common School purposes uniform, and to provide for the education of the colored children of the State," having considered the same, respectfully

return the same, and recommend its passage, with the following amendment added to section three :

Provided, however, That such colored children may be admitted into the same schools with the white children, where no objection is made by any portion of the school.

Which report was concurred in.

Mr. Fisher, from a special committee, submitted the following report :

MR. PRESIDENT :

The majority of the special committee, to whom was referred House bill No. 11, entitled "A bill to create the Twenty-first and Twenty-second Judicial Circuits, to fix the time of holding Courts therein, to provide for the election of Judges and Prosecuting Attorneys therein, and also to fix the times of holding the spring terms of the Court of Common Pleas in Miami county," have directed me to report the same back, and recommend its amendment—by striking from the enacting clause, and inserting the following as a substitute, and when so amended, recommend its passage :

Amend the title to read as follows :

A bill to create the Twenty-second Judicial Circuit, to fix the time for holding Courts therein, and authorizing the Governor to appoint a Judge and Prosecuting Attorney.

Mr. Armstrong, from a special committee, submitted the following as a minority report :

MR. PRESIDENT :

The undersigned dissents from the report of the majority of the special committee, to whom was referred House bill No. 11, creating the Twenty-first and Twenty-second Circuit Court Districts, and submits the following bill, as calculated to meet the wants of the people of the Eleventh Judicial District, to satisfy litigants, and to be a step in the right direction, in assisting the morbid tendency now existing, for the creation of new Judicial Circuits. It will be seen that the bill the undersigned submits, does not change

the boundaries of the Circuit, as now constituted, but simply increases the term in the counties of Carroll, Cass and Huntington. All of which is respectfully submitted.

F. G. ARMSTRONG.

RESOLUTIONS.

Mr. Fisher offered the following resolution :

Resolved, That the consideration of the Message of his Excellency, the Governor, sent to the Senate on the first day of March last, on the subject of the Fifteenth Amendment to the Constitution of the United States, be postponed until Tuesday, the eleventh day of May next, and made the special order for that day.

Which was adopted.

Mr. Hanna moved to reconsider the vote on said resolution.

Mr. Fisher moved to lay that motion on the table.

Which was agreed to.

Mr. Armstrong offered the following resolution :

Resolved, That owing to the illness of Senator Colley, and his inability to meet with us on account of his illness, that the President of the Senate add an additional member to each of the standing committees, where the name of Mr. Colley appears.

Which was adopted.

BILLS INTRODUCED.

Mr. Green introduced

Senate bill No. 319, entitled "A bill declaring the incapacity of the Sheriff and Coroner in certain cases, and providing for an elesior, and his compensation."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Carson introduced

Senate bill No. 320, entitled "A bill to amend the first section of

an act to fix the time of holding the Courts of Common Pleas in the Fifth Indiana District, repealing all other laws on the same subject, and declaring when this act shall take effect, approved February 9, 1867, legalizing the acts of certain of said Courts, repealing the act on the same subject, approved February 24, 1869, and declaring an emergency.

Mr. Cravens moved to suspend the rules, and that the bill be read a second and third times now.

The ayes and noes were taken, under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Cravens, Denbo, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Jaquess, Kinley, Lee, Montgomery, Morgan, Reynolds, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—36.

Mr. Johnson, of Spencer, voting in the negative.

So the rules were suspended.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Reynolds, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—40.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

S. J. Ex. S.—5.

Mr. Hanna introduced

Senate bill No. 321. A bill supplemental to an act creating the Twenty-fourth Judicial Circuit."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wood introduced

Senate bill No. 322. An act entitled "An act regulating docket fees of Prosecuting Attorneys of circuit courts, and regulating Prosecuting Attorneys' fees for prosecutions on forfeited recognizances."

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hadley introduced

Senate bill No. 323. "An act to legalize the solemnization of marriages, and the taking and certifying to acknowledgments of deeds, mortgages, and other instruments required to be recorded, and such other acts as are competent to be done and authenticated by Justices of the Peace, performed by any Justice of the Peace of this State after his commission had expired."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hadley presented a petition from sundry citizens of Hendricks county for a law to legalize the acts of Enion Singer, Esq.

Which was ordered to accompany the bill.

Mr. Craven introduced

Senate bill No. 324. "An act in relation to criminal courts and the judges thereof."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Montgomery introduced

Senate bill No. 325. "An act appropriating the sum of \$40,000 for the purchase and furnishing of an executive mansion, and declaring an emergency."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green moved that Senate bill No. 20 be placed on file.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has receded from its amendments to Senate bill No. 90, "A bill to amend the 34th sub-division of section 53 of an act entitled 'An act to repeal all general laws now in force for the incorporation of cities,' " and the bill is herewith returned to the Senate.

Mr. Bradley asked and obtained leave of absence for Mr. Henderson till Monday next.

The President announced the additional members on committees of which Mr. Colley is a member to-wit :

On Public Printing—Mr. Fosdick.

On Public Buildings—Mr. Gray.

On Phraseology and Arrangement of Bills—Mr. Bellamy.

On County and Township Business—Mr. Armstrong.

On Legislative Apportionment—Mr. Caven.

Also, the new Committee on Fees and Salaries—Messrs. Green, Fosdick, Hess, Turner, Taggart, Elliott and Huey.

SENATE BILLS ON SECOND READING.

Senate bill No. 264. "A bill supplemental to an act entitled 'an act to require surviving partners to file inventories and appraise-

ments in the office of the clerk of the court of common pleas, and to report liabilities of the firm,' approved March 5, 1859, further requiring such surviving partners to file bonds in such office, and requiring said clerk to spread said inventories, appraisements, and reports of liabilities on record."

Was read a second time, ordered to be engrossed, and passed to a second reading on to-morrow.

Senate bill No. 280. "A bill to amend the 1st section of an act entitled 'An act regulating docket fees of district attorneys in the court of common pleas and before justices of the peace, and regulating prosecuting and district attorneys fees for prosecutions on forfeited recognizances.'"

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 281. "A bill to provide for the judicial decision of the title and use of square No. 25, in the City of Indianapolis, to quiet controversy concerning the same, and to protect the rights of the State therein."

Was read a second time, amendments reported by the committee concurred in, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 282. "An act defining and providing punishment for libel."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 283. "A bill to prevent the running at large of bulls, rams and boars."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 112. "A bill to revise and amend section 1 of the Exemption Law."

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 302. "A bill to amend section 250 of an act entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity;'" approved June 18, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 305. A bill for an act supplemental to an act entitled "An act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith," approved February 25, 1865, and to repeal the sixth section of said act.

Was ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 82. A bill allowing an increased rate of toll on township, plank, and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency.

Was read a second time, and the amendments reported by the Committee adopted.

Mr. Johnson of Montgomery, offered the following amendment:

Providing, that all persons going to, or returning from funerals and religious meetings, shall be, and are hereby excepted from the provisions of this act.

Which amendment was adopted.

The bill was ordered engrossed, and passed to a third reading on to-morrow.

Senate bill No. 264. A bill supplemental to an act entitled "An act to require surviving partners to file inventories and ap-

praisement in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm," approved March 5, 1859, further requiring such surviving partner, to file bonds in such office, and requiring said Clerk to spread said inventories, appraisement and reports of liabilities, on the record.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Kinley moved that Senate bill No. 120, be returned to the Committee on Prisons.

Which was agreed to.

Senate bill No. 265. An act to amend section sixteen, of an act entitled "An act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of County and Township officers in relation thereto, and providing for an appeal in certain cases, in the Circuit or Common Pleas Court.

Was read second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 298. A bill making an appropriation for the State University, and prescribing the diminution of the same in certain contingencies.

Was read a second time.

Amendments reported by the Committee were concurred in, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 306. An act to amend section one of an act entitled "An act to authorize Township Trustees, Trustees of Incorporated Towns, and the Common Councils of Cities, to levy a tax for School purposes," approved March 9, 1867, and to prevent the collection of assessments for the year 1869, unless petitioned for in accordance with the provisions of this act.

Was read a second time by title, and referred to the Committee on Education.

Senate bill No. 307. An act to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads, approved February 28, 1855.

Was read a second time, and referred to the Committee on Roads.

Senate bill No. 308. An act to amend an act to regulate the terms of the Circuit Courts in the First Judicial Circuit, approved February 25, 1869.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 309. A bill to require all acts to be prospective in their operations, unless otherwise specially provided therein.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 310. A bill to establish uniformity in the measurement of lime.

Was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Senate bill No. 311. An act to authorize the Board of County Commissioners of the several counties of the State, to make appropriations and donations for purposes therein named.

Was read a second time, and referred to the Committee on County and Township Business.

Senate bill No. 312. "An act to regulate fees of Printers in certain cases, and making provisions for notice to non-resident parties."

Was read a second time, and referred to the Committee on Printing.

Senate bill No. 313. "A bill allowing bills of exception in term or vacation, in criminal cases."

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 314. "An act to suspend for four years the operation of an act entitled 'An act to amend sections 1 and 3 of an act entitled 'an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location,' approved March 2, 1855, and to amend section 1 of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of commissioners;" approved February 24, 1869.

Was read a second time, and referred to the Committee on County and Township Business.

Senate bill No. 315. "A bill authorizing the Secretary of State to systematically arrange and index records and papers on file in his office, and making an appropriation to defray the expense thereof, and declaring an emergency."

Was read a second time, and, on motion of Mr. Carson, referred to the Committee on the Judiciary.

Senate bill No. 316. "A bill relative to resident parties plaintiff, regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith."

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 317. "An act providing against fraud and corruption in procuring divorces in the courts of this State, declaring the same a felony, and providing a punishment therefor."

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 318. "A bill authorizing married women to make contracts, rendering their separate property liable therefor, exempting such property and their earnings from the debts of their husbands, and exempting the property of husbands from the separate debts of wives."

Was read a second time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Bradley moved that Senate bill No. 266 be taken up and placed on the files.

Which was agreed to. |

On motion of Mr. Stein, the Senate adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The Senate met.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill thereof, to-wit: House bill No. 332. "A bill to fix the time of holding the Common Pleas Court in the Twenty-second District." In which the concurrence of the Senate is respectfully requested.

Mr. Gray moved to take up Senate bill No. 23, entitled "A bill to change the time of holding elections in the State, and to fill vacancies in office by provisions of this act, and declaring an emergency."

Which was agreed to, and the bill was read a third time.

Mr. Johnson of Montgomery moved to recommit the bill to the Committee on the Judiciary, with the following instructions :

Strike out the emergency clause, and insert: This act to take effect and be in force from and after the first day of June, 1870.

Mr. Bellamy moved to lay the amendment, with instructions to recommit, upon the table.

The ayes and noes were demanded, by Messrs. Johnson of Montgomery and Bradley.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—25.

Those who voted in the negative were,

Messrs. Bradley, Carson, Gifford, Hanna, Huey, Huffman, Humphries, Johnson of Montgomery, Lee, Montgomery, Morgan, Sherrod, Taggart and Turner—14.

So the motion to lay the amendment upon the table was agreed to.

Mr. Hanna moved to recommit to the Committee on Elections, with instructions to insert a provision to the effect that the said act shall take effect on the first day of January, 1870.

Mr. Gray moved to lay the motion to recommit with instructions on the table.

The ayes and noes were demanded by Messrs. Gray and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—25.

Those who voted in the negative were,

Messrs. Bradley, Carson, Gifford, Hanna, Huey, Huffman, Humphries, Johnson of Montgomery, Lee, Montgomery, Morgan, Sherrod, Taggart and Turner—14.

So the motion to lay the amendment upon the table was agreed to.

Mr. Gray moved that the bill be postponed, and made the special order for Tuesday next, at two o'clock P. M.

Which was agreed to.

SENATE BILLS ON THIRD READING.

Mr. Church offered the following:

Recommit to Committee on Fees and Salaries, with instructions to insert a provision fixing the salaries of Prosecuting Attorneys at \$1,000.

Which was not agreed to.

Mr. Bradley moved to reconsider the vote by which the bill was ordered engrossed and passed to a third reading.

Which was agreed to.

Mr. Bradley moved to reconsider the vote by which the amendments were adopted.

Which was agreed to.

The question being on concurring in the amendments to the bill.

The ayes and noes were demanded by Messrs. Bradley and Stein.

Those who voted in the affirmative were,

Messrs. Armstrong, Andrews, Bellamy, Carson, Caven, Denbo, Gifford, Gray, Hadley, Hamilton, Hess, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Reynolds, and Robinson of Decatur—21.

Those who voted in the negative were,

Messrs. Beardsley, Bradley, Case, Church, Cravens, Fisher, Fosdick, Green, Hanna, Hooper, Montgomery, Morgan, Scott, Stein, Turner, Wolcott and Wood—17.

So the amendments were adopted.

Mr. Bradley moved to lay the bill, with pending amendments, on the table.

The ayes and noes were demanded by Messrs. Church and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bradley, Denbo, Gifford, Hess, Huey, Jaquess, Johnson of Spencer, Johnson of Montgomery, Montgomery, Robinson of Decatur, and Sherrod—14.

Those who voted in the negative were,

Messrs. Beardsley, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hanna, Hooper, Huffman, Humphreys, Kinley, Lee, Morgan, Reynolds, Scott, Stein, Turner, Wolcott and Wood—25.

So the motion to lay the bill on the table was not agreed to.

Mr. Turner moved to reconsider the vote by which the bill was ordered to be read a third time.

Which was agreed to.

Mr. Church moved to amend, by making the salary of Prosecuting Attorney \$1,000.

The ayes and noes were demanded by Messrs. Church and Green.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Case, Church, Cravens, Fisher, Fosdick, Green, Hamilton, Hanna, Kinley, Morgan, Scott, Stein, Turner, Wolcott and Wood—17.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Carson, Caven, Denbo, Gifford, Gray, Hadley, Hess, Hooper, Huey, Huffman, Humphries, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lee, Montgomery, Reynolds, Robinson of Decatur, Sherrod and Taggart—22.

So the motion to amend was not agreed to.

Mr. Green moved to amend, by making the salary of Common Pleas Judge \$2,500.

Which was not agreed to.

Mr. Bradley offered the following amendments :

Amend, by striking out \$3,500 for salary of Supreme Judge, and insert \$3,950.

Amend, by striking out \$2,500 for salary of Circuit Judge, and insert \$2,975.

Amend, by striking out \$2,000 for salary of Common Pleas Judges, and insert \$2,400.

Amend further, by providing that the Circuit Prosecutor shall receive an annual salary of \$900, and that the Common Pleas Prosecutor shall receive an annual salary of \$500.

Mr. Carson moved to lay the bill, with pending amendments, on the table.

The ayes and noes were demanded by Messrs. Carson and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Denbo, Gifford, Gray, Hess, Huey, Huffman, Humphreys, Jacquess, Johnson of Spencer, Johnson of Montgomery, Lee, Montgomery, Robinson of Decatur, Sherrod and Taggart—19.

Those who voted in the negative were,

Messrs. Beardsley, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Green, Hadley, Hamilton, Hanna, Hooper, Kinley, Morgan, Reynolds, Scott, Stein, Turner, Wolcott and Wood—21.

So the motion to lie upon the table did not prevail.

The question recurring on Mr. Bradley's motion to amend, a division of the question was called for.

First division of the question being, shall the salaries of Supreme Judges be fixed at \$3,950?

Mr. Armstrong moved to amend, by striking out 9 and inserting 0.

Mr. Kinley moved that the bill and pending amendments lie on the table.

The ayes and noes were demanded by Messrs. Kinley and Andrews.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Denbo, Gifford, Hess, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Robinson of Decatur, Scott, Sherrod and Taggart—18.

Those who voted in the negative were,

Messrs. Beardsley, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hanna, Hooper, Humphreys, Montgomery, Morgan, Reynolds, Stein, Turner, Wolcott and Wood—22.

So the motion was not agreed to.

The question recurring upon the amendment by Mr. Armstrong,

The ayes and noes were demanded by Messrs. Carson and Armstrong.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Denbo, Gray, Humphreys, Johnson of Montgomery, Kinley, Montgomery, Robinson of Decatur, Sherrod and Taggart—14.

Those who voted in the negative were,

Messrs. Beardsley, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Green, Hadley, Hamilton, Hanna, Hess Hooper,

Huey, Huffman, Johnson of Spencer, Lee, Morgan, Reynolds, Scott, Stein, Turner, Wolcott and Wood—25.

So the amendment did not prevail.

The question then recurring upon the first division of the amendment offered by Mr. Bradley,

The ayes and noes were demanded by Messrs. Carson and Bradley.

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Case, Church, Cravens, Fisher, Fospick, Green, Hanna, Hooper, Morgan, Scott, Stein, Turner, Wolcott and Wood—16.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Caven, Denbo, Gifford, Gray, Hadley, Hamilton, Hess, Huey, Huffman, Humphries, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Reynolds, Robinson of Decatur, Sherrod and Taggart—24.

So the first division of the amendment was not adopted.

The second, third and fourth divisions of the amendment were not adopted.

Mr. Hanna moved to amend, by making the salaries of Circuit Prosecuting Attorneys \$800.

Which was adopted.

Mr. Hadley moved to amend, by making the salaries of District Prosecutors \$400.

Which was adopted.

The bill was then ordered engrossed, and passed to a third reading on to-morrow.

Mr. Gifford, from the select committee on employees of the Senate, submitted the following report :

MR. PRESIDENT :

Your select committee on employees of the Senate have had the subject submitted to them under careful consideration, and would respectfully report that, in their opinion, the number of employees should be limited as follows, to-wit :

The Principal Secretary to seven assistants.

The Assistant Secretary to three assistants.

The Doorkeeper to six assistants.

The Senate to two boys.

The Lieutenant-Governor to one page, if he desires a page at all.

It is the unanimous opinion of the committee, that the number of employees here specified, is sufficient to do promptly the work belonging to each of their departments, and we would recommend that the officers of the Senate be limited to the number so specified in this report.

THOMAS GIFFORD,
W. J. ROBINSON,
JOHN V. HADLEY.

Mr. Bradley moved to amend the report, by striking out two pages and inserting three pages.

Which was not agreed to.

The report of the committee was then concurred in.

Mr. Bellamy asked and obtained leave of absence for Mr. Montgomery, on account of sickness.

Mr. Stein introduced the following resolution :

Resolved, That when the Senate adjourns, it adjourns to nine o'clock A. M. to-morrow.

Which was adopted.

By unanimous consent of the Senate, Mr. Carson, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred House bill No. 143, entitled "A bill supplemental to an act entitled, 'An act to provide for the regulation of the running at large of all kinds of animals, within the different townships in the different counties of this State, and to provide for the taking up, impounding and selling, such animals as shall not be allowed by law to run at large,' approved March 31, 1862, and providing that the owner of such animal or animals shall not be liable for any damage or injuries that said animal or animals may or shall occasion on any railroad track, or unenclosed lands and highways, and declaring an emergency," respectfully report, that they have had the same under consideration, and have directed me to report it back to the Senate, recommending the passage of the bill.

Which report was concurred in.

Senate bill No. 20, entitled "A bill to tax costs in cases when surety in the bonds of any guardian, executor or administrator shall apply to be released as said surety. If said surety shows good cause, the principal pays costs; otherwise, the cost is taxed against the applicant."

Was read a third time.

Mr. Sherrod moved to lay the bill upon the table.

Which was agreed to.

On motion of Mr. Bradley, the Senate adjourned.

FRIDAY MORNING, 9 o'clock, }
 April 16, 1869. }

The Senate met.

The Journal of yesterday was partially read, when

On motion of Mr. Carson, the further reading thereof was dispensed with.

Mr. Rice asked and obtained leave of absence for Mr. Church, until Tuesday next.

Mr. Hooper asked and obtained leave of absence for Mr. Fosdick.

Mr. Hanna offered the following resolution :

Resolved, That when the Senate adjourn it will adjourn until Tuesday next at 2 o'clock.

Mr. Robinson of Decatur moved that the resolution lie on the table.

Which was not agreed to.

Mr. Hooper moved to amend by inserting Monday instead of Tuesday.

The ayes and noes were demanded by Messrs. Bellamy and Robinson of Madison.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bradley, Carson, Case, Cravens, Gifford, Greene, Hadley, Hanna, Huey, Humphreys, Johnson of Montgomery, Laselle, Lee, Rice, Reynolds, Scott, Sherrod, Turner and Wolcott—22.

Those who voted in the negative were,

Messrs. Bellamy, Caven, Denbo, Fisher, Gray, Hamilton, Hess, Hooper, Huffman, Jaquess, Kinley, Robinson of Madison, Robinson of Decatur, Stein, Taggart and Wood—16.

So the amendment was not adopted.

Mr. Hanna's resolution was then adopted.

Mr. Robinson of Madison moved that the Senate adjourn.

The ayes and noes were demanded by one-tenth of the Senators.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bradley, Cravens, Gifford, Hanna, Huey, Humphreys, Johnson of Montgomery, Lee, Sherrod, Stein, Wolcott and Wood—15.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Case, Caven, Denbo, Fisher, Gray, Green, Hadley, Hamilton, Hess, Hooper, Huffman, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart and Turner—21.

So the motion to adjourn did not prevail.

Mr. Wolcott moved to reconsider the vote by which the report of the committee on employees of the Senate was concurred in.

The ayes and noes were demanded by Messrs. Gifford and Turner.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Cravens, Fisher, Gray, Green, Hamilton, Hess, Hooper, Huey, Kinley, Laselle, Rice, Reynolds, Scott, Sherrod, Stein, Wolcott and Wood—25.

Those who voted in the negative were,

Messrs. Huffman, Humphreys, Johnson of Montgomery, Lee, Taggart and Turner—6.

No quorum voting.

On motion of Mr. Stein, the Senate adjourned.

TUESDAY AFTERNOON, 2 o'clock,
April 20, 1869.

The Senate met.

The Journal of Friday was read.

Hon. George V. Howk, Senator elect from the county of Floyd, came forward, presented his credentials, and was sworn into office by the Lieutenant Governor.

The President laid before the Senate a communication from Conrad Baker, Barnabas C. Hobbs and A. C. Shortridge, a committee appointed by the State Board of Education, memorializing the General Assembly for Legislation on the subject of Education.

Which was referred to the Committee on Education.

SPECIAL ORDER FOR THE HOUR.

Engrossed House bill No. 23, "A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency,"

Which was made the special order for this hour, was taken up.

Mr. Green moved that the further consideration of it be postponed, and made the special order for Thursday, at 2 o'clock P. M.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Caven presented a petition from sundry citizens of Indianapolis, asking the enactment of a law prohibiting the traffic in intoxicating liquors as a beverage, etc.

Which was referred to the Committee on Temperance.

Mr. Lee presented a petition from sundry citizens of Bartholomew county, in the State of Indiana, asking compensation for services, and loss of property inflicted by the Morgan Raid.

Which was referred to the Committee on Expenditures.

Mr. Montgomery presented the proposition of Lewis W. Hasselman, of Indianapolis, to the General Assembly of the State of Indiana, to sell to the State of Indiana his real estate situate in the City of Indianapolis.

Which was referred to the Committee on Public Buildings.

Mr. Hadley, from the Committee on Phraseology, Arrangement, and Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology, Arrangement, and Enrolled Bills, have carefully examined engrossed Senate act No. 17, entitled "An act to regulate the sale of patent rights, and to prevent frauds in connection therewith. Also,

Engrossed Senate act No. 48. Also,

Engrossed Senate act No. 231,

And find the same to be neatly and correctly enrolled.

Which report was concurred in.

Mr. Kinley, from a select committee, made the following report :

MR PRESIDENT :

The special committee to whom was referred the petition of sundry ladies of Henry and Rush counties, have had the same under consideration, and respectfully report that in their opinion, the object prayed for by the petitioners is one of much needed legislation, and submit for the consideration of the Senate the following bill to-wit:

Senate bill No. 326. "An act for the preservation of public morals."

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 333. A bill appropriating sixty thousand dollars to defray the expenses of the Special Session of the Forty-sixth General Assembly.

In which the concurrence of the Senate is respectfully requested.

Mr. Hadley offered the following resolution :

Resolved, That the State Librarian be instructed to provide for the Lieutenant Governor; each Senator; the Doorkeeper; the Principal, and First Assistant Secretary; fifteen dollars worth of postage stamps and stationery, to be issued to each Senator in the proportion he may order.

Mr. Morgan moved to strike out fifteen dollars and insert twenty-five dollars.

Which was agreed to.

Messrs. Robinson of Madison, and Bellamy demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Bird, Bradley, Church, Gifford, Hooper, Howk, Huey, Huffmann, Montgomery, Morgan, Rice, Scott, Smith and Taggart—15.

Those who voted in the negative were,

Messrs. Beardsley, Bellamy, Case, Caven, Cravens, Denbo, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson,

Hess, Humphrey, Johnson of Spencer, Kinley, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wood—23.

So the resolution was not adopted.

Mr. Caven offered a concurrent resolution referring to a joint select committee, the proposition of the North Western Christian University, to donate to the State certain lands and buildings, for the purposes of an Agricultural College.

Which was not agreed to.

The communication was then referred to a Joint Committee on Education and Agriculture.

BILLS INTRODUCED.

Mr. Gray introduced,

Senate bill No. 238. An act to prescribe the places at which the several District Boards of Equalization shall meet in the several Congressional Districts, as now constituted.

Mr. Gray moved that the rules be suspended, and that the bill be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wood—35.

Those who voted in the negative were,

Messrs. Bird and Montgomery—2.

So the rules were suspended, and the bill was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, and Wood—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Robinson, of Madison, introduced

Senate bill No. 329, "An act to amend section six of an act entitled an act authorizing the construction of plank, macadamized, and gravel roads," approved May 12, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the Governor by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 16, 1869. }

MR. PRESIDENT :

By direction of the Governor, I have the honor to submit herewith his message transmitting a copy of a proposition to donate the sum of \$150,000 for the benefit of the Agricultural College.

JOHN M. COMMONS,
Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 16, 1869. }

Gentlemen of the Senate and House of Representatives :

It affords me great pleasure to transmit to you copies of a proposition, received yesterday, from Hon. John Purdue, a liberal-mind-

ed and generous citizen of our own State, whereby he proposes to devote one hundred and fifty thousand dollars of his private fortune to the use of the Agricultural College, upon certain conditions mentioned in the proposition.

I trust this munificent offer will receive a prompt, careful, and earnest consideration in connection with the subject of the location of the institution. Whatever your ultimate decision may be in relation to the location of the institution, the liberality and generosity of Mr. Purdue's offer cannot fail to command the admiration of all those who know how to appreciate a public-spirited and unselfish dedication of private wealth to the public benefit.

CONRAD BAKER.

To his Excellency, Conrad Baker, Governor of Indiana :

SIR: As the General Assembly at its present session will doubtless be called upon to consider the question relating to the establishment and location of the Agricultural College, contemplated by the act of Congress of July 2d, 1862, I desire to avail myself of the opportunity to tender a testimonial to the county in which I have spent thirty years of the ripeness of my life, and also to manifest my interest in the cause of collegiate education, by offering, as I now do through your Excellency to the State of Indiana, to donate the sum of one hundred and fifty thousand dollars for the use of said College, provided the General Assembly will, by law, secure me in the following conditions :

1. Locate the said College at such point in Tippecanoe county as may be decided upon by a majority of the present Board of Trustees of the Indiana Agricultural College, to whom I be added as a member.

2. Name the institution, by an irrepealable law, "Purdue University."

3. Provide that I be a member of the Board of Trustees having the control of said institution, and should I cease to be such, I be retained as an advisory member thereof and visitorial power over the University during my lifetime.

Upon these conditions I offer this donation, which I agree to pay in yearly instalments of \$15,000 until the full sum of \$150,000 is

paid, and I am prepared to tender my obligations accordingly, as may be required. I will thank you to present my offer to the Houses of the General Assembly for their consideration.

Very respectfully, yours,

[Signed.]

JOHN PURDUE.

APRIL 15, 1869.

Which was referred to the Joint Committee on Education and Agriculture.

Mr. Bird introduced

Senate bill No. 330, "An act to amend the first section of an act entitled an act to empower railroads to build branches to neighboring coal mines," approved December 19, 1865.

Was read a first time, and passed to a second reading on to-morrow.

Mr. Montgomery introduced

Senate bill No. 331, "A bill to prevent receivers, appointed by the courts of Indiana for failing and solvent mutual insurance companies, from making assessments, and declaring all such assessments void."

Was read a first time, and passed to a second reading on to-morrow.

Mr. Bellamy introduced

Senate bill No. 332. "An act to amend sections 34 and 43 of an act entitled 'An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all acts inconsistent therewith, providing penalties therein prescribed;'" approved March 6, 1865.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed

Senate enrolled act No. 48, "an act providing for the protection of the banks of water courses by securing the bushes growing along said banks from the ravages of stock." Also,

Senate enrolled act No. 90. "An act to amend the 34th subdivision of section 53 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 14, 1867, and declaring an emergency." Also,

Senate enrolled act No. 58. "An act to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855. Also,

Senate enrolled act No. 231. "An act to amend section 2 of 'an act to provide a State Debt Sinking Fund, for the payment of the principal and interest of the five and two and one-half per cent. stocks of the State therein named, prescribing the duties of the Auditor, Treasurer and Agent of State in relation thereto;'" approved December 21, 1865. Also,

Senate enrolled act No. 17. "An act to regulate the sale of patent rights, and to prevent frauds in connection therewith."

And the same are herewith returned to the Senate.

Mr. Montgomery introduced

Senate bill No. 333. "A bill to repeal so much of section 45 of an act to amend sections 39, 42, 45 and 54 of an act entitled 'An act for the incorporation insurance companies, defining their powers, and prescribing their duties,' approved June 17, 1852, and approved December 20, 1865, so as to forbid said insurance companies from taking promissory notes for the cash premiums."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Caven introduced

Senate bill No. 334. "An act creating a lien on horses and other animals, for the benefit of persons to whom any animals have been entrusted for boarding, lodging, and other attention, and defining the manner in which such lien shall be enforced."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cravens introduced

Senate bill No. 335. "An act creating the Twenty-seventh Judicial Circuit, providing for the election of judge and prosecuting attorney thereof, and providing compensation therefor, declaring the jurisdiction of said courts, and providing for a transfer of actions thereto."

Which was read a first time, and passed to a second reading on to-morrow.

House bill No. 332. "An act to fix the time of holding the common pleas court in the Twenty-second District."

Was read a first time.

Mr. Robinson of Decatur moved that the rules be suspended, and that the bill be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hooper, Howk, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wood—39.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wood—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

HOUSE BILLS ON FIRST READING.

Engrossed House bill No. 42. An act to amend section twenty-one of an act entitled "An act to authorize a company to contract the Aurora and Laughery Turnpike.

Was read a first time and passed to a second reading on to-morrow.

Engrossed House bill No. 100. A bill to amend the tenth section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction powers and duties in civil cases, approved June 9, 1865.

Which was read a first time, and passed to a second reading on to-morrow.

Engrossed House bill No. 140. A bill repealing certain sections of an act to provide for the registry of voters, and declaring their residence, etc., etc., and prescribing further duties of the officers of Elections.

Was read a first time and passed to a second reading on to-morrow.

Engrossed House bill No. 146. A bill requiring Township Trustees, to examine the docket of Justices of the Peace, as to their delinquency in paying over fines to the proper officers.

Was read a first time, and passed to a second reading on tomorrow.

Engrossed House bill No. 178. A bill to amend section five of an act entitled "An act to provide for the more uniform mode of doing Township business, and prescribing the time of electing Township Trustees, and declaring an emergency.

Was read a first time, and passed to a second reading on tomorrow.

Engrossed House bill No. 179. A bill repealing section one of an act entitled "An act prescribing the number, and defining the powers and duties of constables, and prescribing the time of electing the same.

Was read a first time, and passed to a second reading on tomorrow.

Engrossed House bill No. 103. A bill declaring certain contracts to pay Attorney fees void.

Was read a first time, and passed to a second reading on tomorrow.

Engrossed House bill No. 147. A bill to provide for the care of certain idiots.

Was read a first time, and passed to a second reading on tomorrow.

House bill No. 214. An act supplemental to an act entitled "An act supplemental to an act, approved, March 5, 1859, entitled 'An act authorizing the purchasers of railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgaged sales, or sales made according to the terms of deeds of trust to organize as incorporated companies, and prescribing their pow-

ers, and extending the time provided in said act for the organization of such distinct corporations by such purchasers," approved February 1, 1867.

Was read a first time, and passed to a second reading on to-morrow.

Engrossed House bill No. 310. A bill touching vacancies in County and Township offices, and filling the same by appointment, repealing all laws in conflict with the provisions of this act, and declaring an emergency.

Was read a first time, and passed to a second reading on to-morrow.

Engrossed House bill No. 333. A bill appropriating sixty thousand dollars to defray the expenses of the Special Session of the Forty-sixth General Assembly.

Was read a first time.

Mr. Church moved that the rules be suspended, and the bill read a second and third times now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Henderson, Hooper, Howk, Huey, Humphreys, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Scott, Smith Stein, Taggart, and Wood—30.

Those who voted in the negative were,

Messrs. Andrews, Bellamy, Hamilton, Hess, Robinson of Madison, and Robinson of Decatur—6.

So the rules were not suspended, and the bill was passed to a second reading on to-morrow.

SENATE BILLS ON SECOND READING.

Senate bill No. 266. A bill to amend the sixty-eighth section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 245. An act to amend an act entitled an act to extend the time for the corporation of railroads in all cases in which ten thousand dollars per mile have been expended in their construction, and declaring at what time the act shall take effect and be in force; approved February 18, 1863.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

READING OF BILLS BY TITLE, FOR REFERENCE.

Senate bill No. 319. A bill declaring the incapacity of the Sheriff and Coroner in certain cases, and providing for an Elisor and his compensation.

Was read a second time, and referred to the Committee on Corporations.

Senate bill No. 322. An act entitled an act regulating docket fees of prosecuting attorneys of Circuit courts, and regulating prosecuting attorneys' fees for prosecutions on forfeited recognizances.

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 321. A bill supplemental to an act creating the Twenty-Fourth Judicial Circuit.

Was read a second time, and referred to the Committee on the Organization of Courts.

Senate bill No. 323. An act to legalize the solemnization of marriage, and the taking and certifying to acknowledgments of
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deeds, mortgages, and other instruments required to be recorded, and such other acts as are competent to be done, and authenticated by Justices of the Peace, performed by any Justice of the Peace of this State after his commission had expired.

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 324. An act in relation to Criminal Circuit courts, and the Judges thereof.

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 325. An act appropriating the sum of forty thousand dollars for the purchase and furnishing of an executive mansion, and declaring an emergency.

Was read a second time, and referred to the Committee on Public Buildings.

SENATE BILLS ON THIRD READING.

Engrossed Senate bill No. 30. "An act supplemental to an act to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment therefor;" approved March 5, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Fosdick, Gray, Hamilton, Hooper, Johnson of Spencer, Kinley, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—23.

Those who voted in the negative were,

Messrs. Carson, Denbo, Fisher, Gifford, Green, Henderson, Hess, Howk, Huey, Huffman, Humphreys, Lee, Morgan, Smith and Taggart—15.

So the bill failed for want of a constitutional majority.

Engrossed Senate bill No. 35. "A bill in relation to docket fees, and declaring an emergency."

Was read a third time.

Mr. Stein moved that the bill lie on the table.

Which was agreed to.

Engrossed Senate bill No. 36. "A bill prohibiting the retail of intoxicating liquors to be used as a beverage, and repealing all conflicting laws."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Case, Church, Gray, Green, Hamilton, Hess, Hooper, Kinley and Scott—10.

Those who voted in the negative were,

Messrs. Andrews, Bird, Bradley, Carson, Caven, Denbo, Fisher, Fosdick, Gifford, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Spencer, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Smith, Stein, Taggart and Wood—26.

So the bill failed to pass.

Engrossed Senate bill No. 40. "A bill to repeal the 44th and 82d sections, and to amend the 81st and 103d sections of an act entitled 'An act to revise, simplify and abridge the rules, practice, pleading and forms in criminal actions in the courts of this State, approved June 17, 1852,' and to regulate the practice as to continuances and changes of venue in criminal actions in the courts of this State."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Case, Caven, Denbo, Fosdick, Green, Hadley, Hamilton, Hess, Hawk, Johnson of Spencer, Kinley, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—22.

Those who voted in the negative were,

Messrs. Beardsley, Bradley, Carson, Church, Cravens, Gifford, Gray, Hooper, Huey, Huffman, Humphreys, Lee, Rice, Smith and Taggart—16.

So the bill failed for want of a constitutional majority.

Engrossed Senate bill No. 45. "A bill relating to the salaries of the Judges of the supreme, circuit, civil and criminal circuit, and common pleas courts, and declaring an emergency."

Was read a third time,

And, on motion of Mr. Stein, was made the special order for Friday, at 2 o'clock, P. M.

By unanimous consent of the Senate, Mr. Fisher offered the following resolution :

Resolved, That when the Senate adjourn it will adjourn until 9 o'clock to-morrow morning.

Which was adopted.

Senate bill No. 75. "An act to protect the citizens of Indiana from empiricism, and to elevate the standing of the medical profession.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Carson, Case, Caven, Cravens, Fisher, Gifford, Gray, Henderson, Hess, Hooper, Hawk,

Huey, Huffman, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Taggart and Wood—25.

Those who voted in the negative were,

Messrs. Bellamy, Denbo, Fosdick, Green, Hadley, Hamilton, Humphreys, Montgomery, Robinson of Decatur, Scott, Smith and Stein—12.

So the bill failed for want of a constitutional majority.

Engrossed Senate bill No. 85. A bill to amend section sixty of an act entitled "An act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a third time.

Mr. Bird moved that the bill lie upon the table, and be made the special order for Thursday at nine o'clock, A. M.

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hadley, Hess, Hooper, Howk, Huey, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Taggart and Wood—33.

Those who voted in the negative were,

Messrs. Denbo, Henderson, Huffman, Humphreys and Smith—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Green moved to take up Senate bill No. 98, and place it upon the files.

Which was agreed to.

Mr. Gray moved to take up Senate bill No. 153, and place it upon the files.

Which was agreed to.

Mr. Bellamy moved to take House bill No. 37 from the table and place it upon the files.

Which was agreed to.

Mr. Bradley moved to take House bill No. 14 from the table and place it upon the files.

Which was agreed to.

Engrossed Senate bill No. 100. An act to amend the sixth section of an act for the relief of the Indiana University, and to increase and extend its benefits, by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned, in relation thereto, approved March 2, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein and Wood—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 102. A bill to amend the fifth division of section three hundred and twenty-four of the second volume of the revised statutes of 1852, chapter one, of an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Gifford, Gray, Green, Hamilton, Hess, Huffman, Kinley, Lee, Morgan, Reynolds, Robinson of Decatur, Scott, Stein and Wood—22.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Fosdick, Henderson, Hooper, Howk, Huey, Humphreys, Montgomery, Rice, Robinson of Madison and Smith—14.

So the bill failed for the want of a constitutional majority.

Engrossed Senate bill No. 107. An act to amend section two and three of an act entitled "An act for the incorporation of County Libraries," approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Church, Green, Hamilton, Hess, Johnson of Spencer, Kinley, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—17.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Carson, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Hadley, Henderson, Hooper, Howk, Huey, Huffman, Humphreys, Lee, Montgomery, Reynolds, Smith and Taggart—22.

So the bill failed to pass.

On motion of Mr. Hamilton, the Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK, }
 April 21, 1869. }

The Senate met.

The Journal of yesterday was partially read, when, on motion of Mr. Beardsley, the further reading thereof was dispensed with.

Mr. Armstrong, being absent on yesterday, asked permission to record his vote in the affirmative on the passage of Senate bill No. 36.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, to-wit :

Senate bill No. 320. A bill to amend the first section of an act to fix the time of holding the courts of Common Pleas in the Fifth Judicial District, and repealing all other laws in conflict on the same subject, approved February 9th, 1867 ; legalizing the acts of certain of said courts, repealing the acts on same subject, approved February 24th, 1869, and declaring an emergency, and the same is herewith returned to the Senate.

Also, that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 334. A bill in relation to Criminal Circuit Courts, and the Judges thereof.

In which the concurrence of the Senate is requested.

Mr. Carson, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred House bill No. 36, entitled "A bill concerning vagrants, and proceedings against the same," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that further legislation on that subject is inexpedient.

Which report was concurred in.

Mr. Bradley submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 39, entitled "A bill to amend the twenty-fifth section of an act regulating descent and the apportionment of estates," approved March 14th, 1852, have had the same under consideration, and have instructed me to report that they deem legislation on the subject inexpedient, and recommend that said bill do lie on the table.

Which report was concurred in.

Mr. Stein submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 318, authorizing married women to make contracts, etc., have had the same under consideration, and have instructed me to recommend that it be amended by striking out the first section, and, being so amended, that it do pass.

Which report was concurred in.

Mr. Johnson of Spencer, from the Committee on Rights and Privileges of the Inhabitants of the State; made the following report:

MR. PRESIDENT :

Your Committee on Rights and Privileges, to whom was referred Senate bill No. 63, entitled "An act to prohibit the use of the spring balance," have had the same under consideration, and have directed me to report the same back with the recommendation that, in their opinion, further legislation on the subject is inexpedient.

Which report was concurred in.

Mr. Robinson of Madison submitted the following report :

MR. PRESIDENT :

Your Committee on the Judiciary, to whom was referred House bill No. 167, entitled "A bill defining certain misdemeanors, and prescribing punishment therefor, and fixing bills of certain officers in prosecution under this act, and preventing minors from playing at billards at public billard saloons," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Scott submitted the following report :

MR. PRESIDENT :

Your Committee on the Judiciary, to whom was referred Senate bill No. 317, introduced by Senator Case, entitled "An act providing against fraud and corruption in procuring divorces in the courts of this State, declaring the same a felony, and providing punishment therefor," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven submitted the following report :

MR. PRESIDENT :

Your Committee on the Judiciary, to whom was referred Senate

bill No. 316, introduced by Senator Case, entitled "A bill relative to residence of parties plaintiff, and regulating the service of summons on defendants in divers cases, and repealing all laws in conflict therewith," report that they have had the same under consideration, and upon the adoption of the accompanying amendment, respectfully recommend the passage of said bill: Amend by adding the words "and affidavit," after the word "petition," in the second line of the second section of said bill.

Which report was concurred in.

Mr. Rice submitted the following report :

MR. PRESIDENT :

Your Committee on the Judiciary, to whom was referred House bill No. 124, entitled "A bill supplemental to an act to provide for the confinement of persons insane, and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed, approved February 21, 1855, and to provide for the recovery of moneys expended by one county in the arrest, care, safe-keeping, clothing and treatment of an insane person whose legal settlement is in another county," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Robinson of Decatur submitted the following report :

MR. PRESIDENT :

Your Committee on Roads having had under consideration Senate bill No. 307, "An act to amend an act entitled 'An act to amend an act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads,'" approved Feb. 28, 1855, report the same back and recommend its passage.

Which report was concurred in.

Mr. Stein submitted the following report :

MR. PRESIDENT :

Your Committee on the Judiciary, to whom was referred Senate

bill No. 315, introduced by Senator Hooper, entitled a bill authorizing the Secretary of State to systematically arrange and index records and papers on file in his office, and making an appropriation to defray the expenses thereof, and declaring an emergency," report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on the Judiciary, to whom was referred Senate bill No. 304, entitled "An act to amend an amendment of section 2 of an act prescribing the powers and duties of justices of the peace in State prosecutions," approved December 2, 1865, so as to authorize the service of any constable or sheriff of any county of any warrant throughout the State, report that they have had the same under consideration, and upon the adoption of the following amendment, respectfully recommend the passage of said bill: Amend by striking out all of the said bill after the word "Act," in the 3d line of section 1, to, and including the word "found," in line 18 of said section.

Which report was concurred in.

Mr. Robinson of Madison asked and obtained leave of absence for the day.

Mr. Johnson of Spencer, from the Committee on Rights and Privileges, made the following report :

MR. PRESIDENT :

Your Committee on Rights and Privileges to whom was referred Senate bill No. 310, introduced by Senator Armstrong, entitled an act to establish a uniform measurement of lime, have had the same under consideration, and have directed me to report the same back with the recommendation that the same do pass.

Which report was concurred in.

Mr. Caven from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on the Judiciary to whom was referred Senate bill No. 313, introduced by Senator Fisher, entitled a bill allowing bills of exceptions in criminal cases, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

RESOLUTIONS.

Mr. Gifford offered the following resolution :

Resolved, That the President of the Senate, each Senator and elective officer, be hereby authorized to receive on his own order, drawn on the Librarian, three dollars worth of postage stamps.

Mr. Robinson of Decatur, offered the following as a substitute for Mr. Gifford's resolution.

Resolved, That the Librarian be authorized to procure for the use of the Senate, and that he furnish each Senator, on his own order, such stationery and stamps as he may need in the discharge of his official duties, and that five days before the close of the session he report to the Senate the amount and cost of all stationery and stamps purchased, and the amount charged to each Senator, and the amount and value of all on hand—if any. Said report to be spread upon the Journal of the Senate, and that the Librarian shall be allowed one additional Assistant, who shall keep the accounts with the members.

Mr. Fisher moved to lay the substitute upon the table.

Which was agreed to.

Mr. Rice moved to strike out three dollars, and insert fifty cents.

Mr. Gifford moved to lay the amendment upon the table.

Messrs. Hadley and Robinson of Decatur, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Cravens, Fisher, Fosdick, Gifford, Green, Hadley, Hanna, Hess, Hooper, Huey, Huffman, Johnson of Spencer, Kinley, Laselle, Lee, Morgan, Robinson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood—30.

Those who voted in the negative were,

Messrs. Armstrong, Bird, Denbo, Gray, Hamilton, Henderson, Hess, Hooper, Humphreys, Jacques, Johnson of Montgomery, Montgomery, Rice, Reynolds and Sherrod—14.

So the amendment was laid upon the table.

Mr. Carson offered the following amendment:

Amend by striking out the word three, and inserting fifteen, also by inserting after the word stamps, for stationery.

Mr. Church offered the following substitute.

Resolved, That the Librarian be, and is hereby instructed to procure stamps and stationery for the Senate, and that the Lieutenant Governor, and each Senator be allowed to draw therefrom an amount not exceeding in value, the sum of thirty dollars.

Mr. Fisher moved to strike out thirty and insert ten.

Which was not agreed to.

The substitute was then adopted.

Mr. Sherrod offered the following resolution:

Resolved, That the Committee on Finance, to whom was referred the General Appropriation Bill, be requested to report the same back to the Senate at the earliest possible day.

Which was adopted.

Mr. Caven offered the following resolution :

Resolved, That the Judiciary Committee are hereby authorized to employ a Clerk.

Which was adopted.

Mr. Rice offered the following resolution :

Resolved, That the Committee on Corporations be authorized to employ a Clerk for said Committee.

Which was adopted.

Mr. Fisher offered the following resolution :

Resolved, That the Committee on Finance be authorized to employ a Clerk.

Which was adopted.

Mr. Gray offered the following :

WHEREAS, Leave of absence has been frequently granted to Senators in such numbers as to break a quorum, thereby keeping back legislation, to the serious detriment of the State, therefore,

Resolved, That leave of absence shall not be granted to an extent whereby more than ten Senators at one time will be absent.

Which, on motion of Mr. Carson, was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Message from the Senate by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the accompanying concurrent resolution, in reference to the appointment of a Joint Committee to visit the National Asylum for Disabled Soldiers, at Dayton, Ohio, with a view to determining the expediency of transferring the inmates of the Soldiers' Home at Knightstown, to said Asylum.

In which the concurrence of the Senate is respectfully requested.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 332, "An act to fix the time of holding the common pleas court in the Twenty-second District," and the same is herewith transmitted for the signature of the President of the Senate.

Mr. Wolcott, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred House bill No. 309, "A bill making general appropriations for the years 1869 and 1870," have had the same under consideration, and direct me to report it back to the Senate, recommending the passage of the same with the following amendments :

1st. In the 1st line of the 6th section, strike out the word "two" and insert the word "five."

2d. In the 13th line of the 13th section, strike out the word "two," and insert the word "ten."

3d. Strike out all of section 16.

4th. Strike out all of section 23 and insert the following in lieu thereof: That for the erection and furnishing of additional buildings at the Soldiers' and Seamen's Home, the sum of \$30,000 is hereby appropriated; that for the purchase of additional real estate for the use of said Institution, the sum of \$50,000 is hereby appropriated, and that to pay the present indebtedness of said Soldiers' and Seamen's Home, the sum of \$15,000 is hereby appropriated.

5th. Strike out the words "twenty-seven" where they occur in section 26, and insert the word "fifty."

6th. To that part of the bill making appropriations for the year 1869, add the following section: That the sum of \$5,000, or so
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much thereof as may be necessary, be, and the same is hereby appropriated for the erection of a building at the State Prison North, to be used as an engine and boiler house, and for removing the engine and boilers to, and resetting them in said building.

7th. To that part of the bill making appropriations for the year 1869, add the following section: That the sum of \$6,660 98 be, and the same is hereby appropriated to pay claims on file for services in the State militia during the late war; the above amount to be drawn and expended under existing laws by the Adjutant General, for the payment of the following claims: 1, Claim of Capt. Joseph O. Woodfil's company of infantry, belonging to the 9th regiment of the Indiana Legion; 2, Claim of Capt. Donald Cameron's company of infantry of the 9th regiment of the Indiana Legion; 3, Claim of Capt. Adin E. Rodman's company of mounted men; 4, Claim of Capt. George W. McClasser's company of mounted men; 5, Claim of Assistant Surgeon Joshua Chilwood.

8th. In the 1st line of the 31st section, strike out the word "two" and insert the word "five."

9th. Strike out all of section 42. In the 7th line of the 45th section strike out \$20,000 and insert \$30,000.

On motion of Mr. Carson, the Senate went into a Committee of the Whole for the consideration of House bill No. 309, and the amendments thereto reported by the Committee on Finance.

Mr. Gray in the chair.

After some time spent in consideration of the bill, the committee arose, and through its chairman made the following report:

MR. PRESIDENT:

Your Committee of the Whole, to whom was referred House bill No. 309, have had the same under consideration, have made some progress, and ask leave to rise and sit again.

Which report was concurred in.

Mr. Bellamy moved to take up the message of the House announcing the passage of a concurrent resolution appointing a joint

committee of the General Assembly to visit the Soldiers' Home at Dayton.

Which was agreed to.

On motion of Mr. Church, the Senate concurred in the resolution therein contained.

On motion by Mr. Gifford, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The Senate met.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit: House bill No. 311. "A bill making specific appropriations for the year 1869," in which the concurrence of the Senate is respectfully requested.

Mr. Bellamy introduced

Senate bill No. 336. "An act authorizing the Governor of the State to remove Prison Directors in certain cases."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cravens introduced

Senate bill No. 337. "An act to make appropriations for certain purposes, and upon certain conditions therein expressed."

Which was read a first time, and passed to a second reading to-morrow.

Mr. Hanna asked and obtained leave of absence for Mr. Taggart until Monday next.

The President appointed Messrs. Hadley and Laselle, on the part of the Senate, on the joint committee to visit the National Soldiers' Home at Dayton, Ohio.

On motion of Mr. Fisher, the Senate went into Committee of the Whole for the further consideration of House bill No. 309.

Mr. Gray in the chair.

The Committee arose, and through its chairman made the following report:

MR. PRESIDENT:

Your Committee of the Whole, to whom was referred the consideration of House bill No. 309, have had the same under consideration, and after some time spent, have instructed me to report the same back to the Senate with the following amendments:

1st. In the 1st line of the 6th section strike out the word "two" and insert the word "five."

2d. In the 13th line of the 13th section, strike out the word "ten" and insert the word "ten." Strike out "present" and insert "regular," in section 14.

3d. Strike out all of section 16.

4th. Strike out section 25.

5th. Strike out the words "twenty-seven" where they occur in section 26, and insert the word "fifty."

6th. To that part of the bill making appropriations for the year 1869, add the following section:

Sec. —. That the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby appropriated for the

tion of a building at the State Prison North, to be used as an engine and boiler house, and for removing the engine and boilers to, and resetting them in said building.

7th. To that part of the bill making appropriations for the year 1869, add, also, the following section :

Sec. —. That the sum of \$6,660 98 be, and the same is hereby appropriated to pay claims on file for services rendered by men of the State militia during the late war; the above amount to be drawn and expended under existing laws, by the Adjutant General for the payment of the following claims: 1, Claim of Capt. Joseph O. Woodfill's company of infantry, belonging to the 9th regiment Indiana Legion; 2, Claim of Capt. Donald Cameron's company of infantry, 9th regiment Indiana Legion; 3, Claim of Capt. Adin E. Rodman's company of mounted men; 4, Claim of Capt. George W. Colclaser's company of mounted men; 5, Claim of Assistant Surgeon Joshua Clintwood.

8th. Strike out of line 38 of section 29, the words "one thousand" and insert "five hundred." Strike out of line 45 of section 29, the words "one thousand" and insert "five hundred." Strike out of line 48 of section 29, the words "fifteen hundred" and insert "five hundred."

9th. Add at the end of section 31, "and that he report to the General Assembly at each regular session the amount thereof used, and the particular purpose for which it shall have been used, and to whom paid."

10th. Add at the end of section 34: "And that he report to the General Assembly at each regular session, the amount thereof used, and the particular purpose for which it shall have been used, and to whom paid."

11th. Amend section 36 by adding, "But there shall be an itemized statement of all expenditures rendered to the next General Assembly by the Judges and Sheriff of the Supreme Court."

12th. Strike out all of section 42.

13th. Amend section 44 by adding as follows: "But the Auditor

shall render an itemized statement of all his expenditures to the next General Assembly."

14th. In the 7th line of the 45th section, strike out \$20,000 and insert \$30,000.

15th. Place section 47 in the appropriations for 1869.

And the committee were discharged from the further consideration of the bill.

Mr. Beardsley offered the following resolution :

Resolved, That when the Senate adjourn it adjourn to 9 o'clock to-morrow morning.

Which was adopted.

Mr. Bradley offered the following resolution :

Resolved, That his Excellency, the Governor, be requested to return to the Senate enrolled bill of the Senate No. 90 now in his hands, in order that the same may be correctly enrolled.

Which was adopted.

Mr. Bellamy offered the following amendment to Rule 37 :

Amend 37th Rule by striking out all after the word "introduce," in the 3d line, and inserting the following : On first reading, in the order in which they were reported by the committees ; on second reading, in the order in which they were ordered to be engrossed on third reading, unless in case of emergency.

Which, under the rule, was laid over until to-morrow.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit : House bill No. 194. "A bill to provide for the publication and distribution of the annual reports of the Indiana

State Board of Agriculture and of the Indiana State Horticultural Society." In which the concurrence of the Senate is respectfully requested. Also, that the House has passed

Engrossed Senate bill No. 290. "A bill creating the Twenty-sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the times of holding courts in the Fourth Judicial Circuit.

And the same is herewith returned to the Senate.

On motion of Mr. Johnson of Spencer, the Senate adjourned.

THURSDAY MORNING, 9 O'CLOCK. }
 April 22, 1869. }

The Senate met.

The Journal of yesterday was read.

Message from the Governor by John M. Commons, Private Secretary :

EXECUTIVE DEPARTMENT, }
 INDIANAPOLIS, April 22, 1869. }

MR. PRESIDENT :

By direction of the Governor, I herewith respectfully submit his message returning Senate bill No. 90.

JOHN M. COMMONS,

Private Secretary.

Gentlemen of the Senate :

In compliance with your resolution of yesterday, I herewith respectfully return Senate bill No. 90, to the end that it may be correctly enrolled.

CONRAD BAKER.

Which was referred to the Committee on Phraseology and Arrangement of Bills and Enrolled Bills.

REPORTS FROM STANDING COMMITTEES.

Mr. Hooper submitted the following report :

Your Committee on Corporations, to whom was referred Senate bill No. 285, entitled "An act to amend section one of an act entitled an act to incorporate the University of Notre Dame Du Lac,

at South Bend, St. Joseph county, Indiana," approved June 18th, 1844, have had the same under consideration, and report it back to the Senate with the following amendments :

Strike out the word "by," on page five, line sixty-seven. Also, on page six, line ninety, strike out the figures "320," and insert "20."

With these amendments, the committee recommend its passage.

Which report was concurred in.

RESOLUTIONS.

Mr. Bellamy offered the following resolution :

Resolved, That the Committee on Education be allowed a clerk for such time as his services may be needed.

Which was adopted.

Mr. Montgomery offered the following resolution.

Resolved, That the Committee on Public Buildings be allowed a clerk.

Which was not adopted.

The President laid before the Senate the following message from the Governor, with accompanying documents :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 22, 1869. }

MR. PRESIDENT :

By direction of the Governor, I have the honor to submit herewith his message transmitting a communication from the Auditor of State in relation to the appraisement and taxation of railroad property in this State.

JOHN M. COMMONS,

Private Secretary.

EXECUTIVE DEPARTMENT, }
 INDIANAPOLIS, April 22, 1869. }

Gentlemen of the Senate and House of Representatives :

I herewith respectfully transmit a communication of the Auditor of State as to the necessity of further legislation in relation to the appraisement of the railroad property of the State. The law, as it now stands, is manifestly unjust to the State and to the owners of other kinds of property subject to taxation. The State Board of Equalization should have power to increase or reduce the appraised value of any railroad, if satisfied that the appraisement is not a proper one. Under the existing provision, a railroad may be appraised at less than half its value, and the State has no remedy; but the road, where it deems the appraisement too high, may appeal. The result of this will be that, if a single road can succeed in procuring its road to be appraised at less than its fair value, all the other roads will appeal with the view of having the appraisements of their roads reduced to the same standard, and thereby millions of property will escape taxation.

My attention has also been called to the fact that there is no provision for the appraisement and taxation of railroads which may be constructed or completed after one periodic appraisement of real estate and before another. By this omission in our legislation, new railroads may escape taxation for a period of from one to four years. I respectfully recommend that this omission be supplied by appropriate legislation.

In conjunction with the Auditor of State, I have prepared a bill, which is herewith respectfully submitted for your consideration, the object of which is to obviate these and other defects in the present law providing for the appraisement of railroad property.

CONRAD BAKER.

An act supplemental to an act passed December —, 1865, entitled "An act to secure a just valuation and taxation of all railroad property within the State, to legalize the valuation, assessment, adjustment and payment of taxes, for such property, made subsequent to the year 1859," and to amend sections five and eight of the same act.

To His Excellency, Conrad Baker :

SIR:—The appraisers along the line of the Indianapolis, Cincinnati and Lafayette Railroad, met at this office on the 13th inst., and appraised said road with its branches, at \$7,500 per mile. On the 15th inst., a portion of the appraisers along the line of the line of the Columbus, Chicago and Indiana Central Railroad, as I am informed, met at the town of Anderson, and appraised said road, with its branches, at \$3,500 per mile.

It seems to me that there is a glaring inequality in these two appraisements. Similar inequalities will likely be shown in other Railroad appraisements. As the law now stands, there is no remedy in the case, but for the State Board of Equalization, when appealed to, to reduce the appraisement of the road which is appraised the highest. Said State Board has no other power of equalization.

I would, therefore, respectfully suggest that you call the immediate attention of the Legislature to the matter, and recommend that the State Board of Equalization be vested with full power to equalize all the appraisements of Railroads throughout the State, and that section eight of the act for the appraisement of Railroads be so amended that each line of Railroad shall be separately appraised.

I have the honor to be, very respectfully,

JOHN D. EVANS,

Auditor of State.

Mr. Hanna moved to refer the Message and documents to a select committee of five.

Which was agreed to.

Messrs. Hanna, Church, Case, Sherrod and Robinson of Madison, were appointed by the President as said Committee.

The amendment to rule thirty-seven of the Senate, offered by Mr. Bellamy on yesterday, as follows:

Amend the thirty-seventh rule by striking out all after the word "introduced," in the third line, and inserting the following:

On first reading, in the order in which they were reported by Committee; on second reading, and in the order in which they were ordered to be engrossed; on third reading, unless in case of emergency.

Was called up and agreed to by the Senate.

Mr. Wolcott renewed his motion to reconsider the vote by which the report of the Committee on Employees, was concurred in.

Which was agreed to.

Mr. Wolcott moved to recommit the subject to the Committee on Employees.

Which was agreed to.

On motion of Mr. Carson, the regular order of business was suspended, and House bill No. 309, a bill making general appropriations for the years 1869 and 1870, and the amendments thereto reported from the Committee of the Whole, was taken up.

Mr. Hann offered the following amendment:

Add to the end of section sixteen: To be paid to the Judges and Attorneys prosecuting the Pleas of the State in the several Circuit Courts, and also in the Criminal Circuit Courts of the several counties of Marion, Allen, Wayne, Tippecanoe and Vigo, in quarterly payments, at the rate of five hundred dollars, or such sums as may be fixed by law, per annum, to each.

Which amendment was adopted.

Mr. Bradley offered the following amendment to section six.

And that he be required to report to the next session of the General Assembly, the amount expended, the person to whom it was paid, and the purposes for which it was paid.

Messrs. Bradley and Gifford demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Church, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Spencer, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Robinson of Madison, Sherrod, Smith, Turner and Wood—23.

Those who voted in the negative were,

Messrs. Armstrong, Andrews, Beardsley, Bellamy, Case, Caven, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Jaquess, Kinley, Morgan, Reynolds, Robinson of Decatur, Scott, Stein and Wolcott—21.

So the amendment was adopted.

The question recurring upon the adoption of the section as amended,

The ayes and noes were demanded by Messrs. Bradley and Turner.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Church, Gray, Green, Howk, Laselle, Morgan, Rice, Robinson of Madison, Smith, Stein, Wolcott and Wood—15.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Denbo, Fisher, Fosdick, Gifford, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Reynolds, Robinson of Decatur, Scott, Sherrod and Turner—30.

So the section was not adopted.

Mr. Stein demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names.

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood.

Forty-five Senators answering to their names.

Mr. Church moved that a further call of the Senate be dispensed with.

Mr. Stein moved to lay that motion upon the table.

The ayes and noes were demanded by Messrs. Fisher and Johnson of Spencer.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Cravens, Fisher, Fosdick, Green, Hamilton, Hess, Hooper, Kinley, Morgan, Reynolds, Robinson of Decatur, Sherrod, Stein, Turner, Wolcott and Wood—21.

Those who voted in the negative were,

Messrs. Bradley, Carson, Case, Caven, Church, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Robinson of Madison, Scott and Smith—23.

So the motion to lie upon the table did not prevail.

The question recurring upon the motion to dispense with the call of the Senate,

It was agreed to.

Mr. Bird moved to reconsider the vote on the rejection of Mr Bradley's amendment.

Which was agreed to.

The question then recurring upon the adoption of Mr. Bradley's amendment,

The ayes and noes were demanded by Messrs. Bradley and Stein.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Church, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Spencer, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Robinson of Madison, Sherrod, Smith, Turner and Wood—23.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Kinley, Morgan, Reynolds, Robinson of Decatur, Scott, Stein and Wolcott—23.

The Lieutenant-Governor voting in the negative.

So the amendment was not adopted.

The question being upon the adoption of section 26, as amended by the Committee on Finance,

The ayes and noes were demanded by Messrs. Bradley and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—30.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Henderson, Howk, Huffman, Johnson of Spencer, Laselle, Lee and Montgomery—11.

So the section as amended, was adopted.

Mr. Turner offered the following amendment:

Strike out \$50,000 and insert \$40,000, and strike out all after the figures 1869 and 1870.

Which was not adopted.

Mr. Gifford moved to reject the sixth amendment reported by the Committee of the Whole.

Which was not agreed to, and the amendment as reported by the Committee, was adopted.

Seventh amendment, reported by the Committee of the Whole, was adopted.

Eighth amendment concurred in.

Ninth amendment concurred in.

Tenth amendment concurred in.

The amendment reported by the Committee of the Whole to section 29, striking out \$1,000 and inserting \$500, was not agreed to.

The amendment reported by the Committee of the Whole, striking out \$1,000 and inserting \$500, for incidental expenses of Superintendent of Public Instruction, was not adopted.

Section 31, as amended by the Committee of the Whole, was concurred in.

Mr. Carson demanded a call of the Senate.

The Secretary proceeded with the call, and,

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood.

Forty-three Senators answering to their names.

Mr. Stein moved to dispense with further proceedings under the call.

The ayes and noes were demanded by Messrs. Bradley and Gifford.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

Those who voted in the negative were,

Messrs. Andrews, Bird, Bradley, Church, Carson, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lee, Rice, Sherrod, Smith, and Turner—18.

So the call was dispensed with.

The amendment of the Committee of the Whole, requiring the Attorney General to render an itemized account, was not concurred in.

The amendment to section thirty-six, proposed by the Committee of the Whole, requiring Judges and Sheriffs to render an itemized account, was not concurred in.

The amendment of the Committee of the Whole to section forty-four, requiring the Auditor to render an itemized account, was not concurred in.

Mr. Stein moved to reconsider the vote by which the appropriation of \$1,500, to wind up the business of the State Claim Agency, was stricken out.

The ayes and noes were demanded by Messrs. Bradley and Johnson of Montgomery.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Cravens, Fisher, Gray, Hamilton, Hess, Jaquess, Johnson of Spencer, Kinley, Lasselle, S. J. Ex. S.—9.

Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, and Wolcott—20.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Carson, Church, Fosdick, Gifford, Green, Hanna, Henderson, Hooper, Hawk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery, Morgan, Sherrod, Smith, Turner, and Wood—24.

So the motion to reconsider was not agreed to.

Mr. Kinley offered the following amendment:

SEC. —. That one thousand dollars is hereby appropriated to each of the State Prisons, to be expended under the direction of the Chaplain, for the purchase of a Prison Library.

Which was adopted.

Mr. Wolcott offered the following amendment:

SEC. —. The sum of one thousand dollars is hereby appropriated for the incidental expenses for the office of Auditor of State for the year 1869.

Which was adopted.

The bill was then read a second time, and ordered engrossed, and passed to a third reading on to-morrow.

Mr. Gifford offered the following resolution:

Resolved, That the State Printer be required to lay before the Senate fifty-three copies of the Senate Journal of the last session.

Which was adopted.

On motion of Mr. Robinson, of Madison, the Senate adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Robinson, of Madison, demanded a call of the Senate.

The Secretary proceeded with the call.

Those who answered to their names were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lasselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott, and Wood—36.

Mr. Bellamy moved that the absentees be sent for.

Which was agreed to.

Mr. Johnson, of Spencer, moved that further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Hooper moved that further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Turner asked and obtained leave of absence for Mr. Sherrod.

Mr. Church asked and obtained leave of absence for Mr. Andrews.

Mr. Bellamy moved that further proceedings under the call be dispensed with.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the

Senate that the House has passed the accompanying concurrent resolution in reference to a Joint Convention, for the election of one Director for the Southern Prison.

In which the concurrence of the Senate is respectfully requested.

SPECIAL ORDER FOR THE DAY.

House bill No. 23. A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.

Which was made the special order for this hour, was taken up.

Mr. Robinson of Madison, moved that the bill be read a third time.

And upon that demanded the previous question.

Which was seconded by the Senate.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna Henderson, Hawk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Smith and Turner—18.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Robinson of Madison moved that the order of business be suspended and engrossed House bill No. 140, a bill repealing cer-

tain sections of an act to provide for the registry of voters, and declaring their residence, etc., etc., and prescribing further duties of the officers of elections, be taken up and read a second time.

Messrs. Bradley and Hanna demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Smith and Turner—17.

So the motion was agreed to, and the bill read a second time

Mr. Hanna offered the following amendment:

Strike out that part of section two which requires the inspector to indorse the number corresponding to the name of the voter, on the ticket deposited by said voter.

Messrs. Carson and Bradley demandend the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphries, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Smith, Stein and Turner—19.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Turner and Wood—24.

So the amendment was not adopted.

Mr. Robinson of Madison, moved that the bill be referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Rice offered the following amendment:

That after the votes are counted in any election, that the same shall be, by the Election Board, put into the ballot box and securely locked, and deposited in the Auditor's office of the county, where it shall remain under the custody of said Auditor, and it shall not be opened or the votes inspected by any one, unless where the same is ordered to be opened by the order of a Court of Record, in cases of contested elections, as by law provided.

Which, by consent, was referred, with the bill, to the Committee on the Judiciary.

Mr. Robinson of Madison moved that the order of business be suspended, and that House bill No. 178 be read a second time.

Which was agreed to, and the bill was read a second time.

On motion of Mr. Robinson of Madison, the bill was referred to the Committee on Elections.

Mr. Bradley asked and obtained leave of absence for Mr. Stein until Monday next.

Mr. Carson asked and obtained leave of absence for Mr. Laselle until Monday next.

Mr. Hanna moved that the order of business be suspended, and that House bill No. 65, Senate bill No. 179, House bill No. 139 and Senate bill No. 295, be taken up.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 110, "A bill to create the Twenty-fifth Judicial Circuit, providing for the appoint-

ment and election of a judge and prosecuting attorney therein, and for their compensation, declaring the jurisdiction of the courts in said Circuit, and providing for a transfer of actions thereto," and the same is herewith returned to the Senate with the accompanying engrossed amendments of the House, in which the concurrence of the Senate is respectfully requested.

On motion of Mr. Hawk, the message was taken up, and the following engrossed House amendments to Senate bill No. 110 were concurred in :

1. In the 1st section strike out the words "twenty-fifth" and insert the words "twenty-seventh."

2. Strike out the 2d section and insert the following :

Sec. 2. The criminal courts in said circuit shall be held as follows, to-wit: In the county of Floyd, on the first Mondays in January, April, July and October, in each year, and in the county of Clark on the first Mondays of February, May, August and November, in each year. And each of said terms of the said criminal courts in each of said counties, shall be and continue for four weeks if the business thereof shall require it; and during said terms said courts shall be open at all times for criminal trials alone.

Engrossed House bill No. 65. "A bill amending section 15 of an act entitled 'An act for the incorporation of manufacturing and mining companies, and for mechanical, chemical and building purposes,' approved May 20, 1852, and declaring the meaning of the 13th section of said act."

The following amendments reported by the committee, were concurred in :

Insert after section 2 of said bill, the following :

Sec. 3. This act shall not apply to, or affect any suits pending on the 20th day of February, 1869, but all such suits shall proceed in the same manner and with the same effect as though this act had not passed; and for all the purposes of such suits, said sections 13 and 15 shall continue in full force as they heretofore stood. Also,

Strike out the words "Sec. 3," before the emergency clause, and insert "Sec. 4."

Was read a second time.

Mr. Hanna moved that the rules be suspended, and that the bill be read a third time.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Robinson of Decatur, Scott, Smith, Turner, Wolcott and Wood—38.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Wolcott and Wood—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 139. "An act for the relief of Nicholas Moreback, Joseph E. Lange and Francis Joseph Wetzler."

Was read a second time.

Mr. Bellamy moved that the rules be suspended, and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner, Walcott, and Wood—41.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second and third time.

Mr. Jaquess moved the previous question.

Which was seconded by the Senate.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Denbo, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner, and Wood—35.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Carson, Fisher, Fosdick, Green, Johnson of Spencer, Morgan, and Turner—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 179. A bill repealing section one of an act entitled an act prescribing the number and defining the pow-

ers and duties of constables, and prescribing the times of electing the same.

Was read a second time, and on motion of Mr. Robinson, of Madison, was referred to the Committee on Elections.

Engrossed Senate bill No. 295. An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, and prescribing the manner of assessing and collecting the same, and repealing the law on that subject; approved March 11, 1867.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Jaquess, Johnson of Montgomery, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Walcott, and Wood—32.

Those who voted in the negative were,

Messrs. Bird, Hanna, Howk, Huffmann, Humphreys, Montgomery, and Smith—7.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate enrolled act No. 290, "An act creating the Twenty-Sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the times of

holding courts in the Fourth Judicial Circuit," and the same is herewith returned to the Senate.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 321. A bill to amend an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of the principal and interest of such bonds."

In which the concurrence of the Senate is respectfully requested.

Mr. Jaquess moved to take up the message of the House containing a concurrent resolution providing for a joint convention on to-morrow at 12 o'clock M., for the purpose of electing a Director of the State Prison South.

Which was agreed to, and the resolution therein contained was concurred in.

Mr. Scott moved to suspend the order of business and take up Engrossed House bill No. 333, "A bill appropriating sixty thousand dollars to defray the expenses of the Special Session of the Forty-Sixth General Assembly.

Which was agreed to, and the bill was read a second time.

Mr. Scott moved that the rules be suspended, and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Andrews, Beardsley, Bird, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Green, Hadley, Han-

na, Henderson, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Smith, Wolcott, and Wood—36.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Hamilton, Hess, and Robinson of Decatur—5.

So the rules were suspended, and the bill read a third time, and put upon its passage.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Hadley, Henderson, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Smith, Wolcott, and Wood—34.

Those who voted in the negative were,

Messrs. Bellamy, Hamilton, Hanna, Hess, and Robinson of Decatur—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Rice moved that the order of business be suspended, and that House bills on second reading be taken up.

Which was agreed to.

Mr. Hadley, by unanimous consent, offered the following resolution:

Resolved, That when the Senate adjourns, that it adjourn to meet at 9 o'clock to-morrow morning.

Which was adopted.

Mr. Kinley asked and obtained leave of absence for Mr. Montgomery.

Engrossed House bill No. 34. A bill to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats, where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency.

Was read a second time, and passed to a second reading on tomorrow.

On motion of Mr. Wolcott, the Senate adjourned.

FRIDAY MORNING, 9 o'clock, }
 April 23, 1869. }

The Senate met.

On motion of Mr. Robinson of Madison, the reading of the Journal was dispensed with.

Mr. Howk submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology, Arrangement and Enrollment of Bills, respectfully report that they have carefully examined enrolled act No. 110, entitled "An act to create the Twenty-seventh Judicial Circuit, providing for the appointment and election of a judge and a prosecuting attorney therein, and for their compensation, declaring the jurisdiction of the courts in said Circuit, and providing for a transfer of actions thereto," and find said act to be carefully and correctly enrolled.

Which report was concurred in.

Mr. Wolcott moved to suspend the order of business and take up House bill No. 309, A bill making general appropriations for the years 1869 and 1870.

Which was agreed to.

Mr. Wolcott, by unanimous consent of the Senate, offered the following amendment:

Amend section 16 as follows: Strike out the words "twenty-five" before the words "circuit judges." Also, amend by striking out \$50,000, and inserting in lieu thereof, \$60,000, or so much thereof as may be necessary.

Amend section 4 as follows: Strike out the words "twenty-five"

before the words "circuit judges." Also, amend by striking out \$50,000, and insert in lieu thereof, \$60,000, or so much thereof as may be necessary.

Amend section 16 as follows: Strike out the words "twenty-five" before the words "circuit prosecutors." Also, amend by striking out \$12,500, and insert in lieu thereof, \$15,000, or so much thereof as may be necessary.

Amend section 41 as follows: Strike out the words "twenty-five" before the words "circuit prosecutors. Also, amend by striking out \$12,500, and insert in lieu thereof, \$15,000, or so much thereof as may be necessary.

Which were adopted.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Hawk, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Wolcott and Wood—32.

Those who voted in the negative were,

Messrs. Bird, Denbo, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lee, Sherrod and Turner—11.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate

that the Speaker has signed House enrolled act No. 333, An act appropriating \$60,000 to defray the expenses of the Special Session of the Forty-Sixth General Assembly; and the same is herewith transmitted for the signature of the President of the Senate.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit: House bill No. 53. A bill to regulate the mileage of sheriffs in conveying convicts to the State Prisons, and repealing all laws in conflict herewith; in which the concurrence of the Senate is respectfully requested.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate enrolled act No. 110, entitled An act to create the Twenty-seventh Judicial Circuit, providing for the appointment and election of a judge and prosecuting attorney therein, and for their compensation, declaring the jurisdiction of the courts in said Circuit, and providing for a transfer of actions thereto; and the same is herewith returned to the Senate.

Mr. Johnson of Montgomery asked and obtained leave of absence until Monday next.

Mr. Bradley asked and obtained leave of absence until Monday, May 3d.

Mr. Turner moved to take Senate bill No. 230 from the table, and place it upon the files.

Which was agreed to.

On motion of Mr. Wolcott, engrossed House bill No. 311, A bill making specific appropriations for the year 1869,

Was taken up, read a first and second time by its title, and, on motion of Mr. Gray, referred to the Committee on Finance.

Mr. Scott offered the following resolution :

Resolved, That in computing the amount due each Senator for mileage for the present session, the report of the Committee on Mileage at the regular session be taken as the basis, and that the mileage of members be paid accordingly unless the same be changed by leave of the Senate on the application of a Senator.

Which was adopted.

Mr. Wolcott offered the following resolution :

Resolved, That the President of the Senate be authorized to issue his certificate for the per diem and mileage of all the members of the Senate from the first day of the session.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Johnson of Montgomery and Bradley.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Hadley, Henderson, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Rice, Scott, Sherrod and Wolcott—29.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Green, Hamilton, Hess, Hooper, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Smith, Turner and Wood—12.

So the resolution was adopted.

Mr. Bradley moved to take Senate bill No. 54 from the table and place it upon the files.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof :

S. J. Ex. S.—10.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 23, an act to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.

Also, House enrolled act No. 139, an act for the relief of Nicholas Morback, Joseph E. Lang, and Francis Joseph Wetzler.

And the same are herewith transmitted for the signature of the President of the Senate.

Mr. Hadley moved that Mr. Scott be added to the Joint Committee of the two Houses, appointed to visit the National Soldiers' Home, at Dayton, Ohio.

Which was agreed to.

By unanimous consent of the Senate, Mr. Green presented the petition of widow Williams, asking for a specific appropriation.

Which was referred to the Committee on Finance.

By unanimous consent of the Senate, Mr. Robinson, of Madison, presented the claim of J. S. Harvey, asking for a specific appropriation.

Which was referred to the Committee on Finance.

Mr. Kinley moved that Senate bill No. 182 be taken up and made the special order for Tuesday next at 2 o'clock P. M.

Which was agreed to.

Mr. Bellamy moved that Senate bills on second reading be read by title and referred.

Which was agreed to.

Senate bill No. 326. A bill for the protection of public morals.

Was read a second time by title, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 327. A bill authorizing the establishment of houses for friendless and abandoned women, and providing for the government thereof.

Was read a second time by title, ordered engrossed, and passed to a third reading on to-morrow.

Senate bill No. 329. An act to amend section six of an act entitled "An act authorizing the construction of plank, macadamized and gravel roads;" approved May 12, 1852.

Was read a second time by title, and referred to Committee on Corporations.

Senate bill No. 330. An act to amend the first section of an act entitled "An act to empower railroads to build branches to neighboring coal mines;" approved December 19, 1865.

Was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 331. A bill to prevent receivers appointed by the courts of Indiana, or failing and insolvent mutual insurance companies, from making assessments, and declaring all assessments so made void.

Was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 332. An act to amend sections thirty-four and forty-three of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all acts inconsistent therewith, and providing penalties therein prescribed;" approved March 6, 1865.

Was read a second time by title, and referred to the Committee on Education.

Senate bill No. 333. A bill to repeal so much of section forty-five of an act to amend sections thirty-four, forty-two, forty-five,

and fifty-four of an act entitled "An act for the incorporation of insurance companies, and defining their powers;" approved June 17, 1852; approved December 20, 1865, so as to forbid said insurance companies from taking promissory notes for the cash premiums.

Was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 334. An act creating a lien on horses and other animals for the benefit of persons to whom any animal has been entrusted for boarding, lodging, and other attention, and defining the manner in which such lien shall be enforced.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 335. A bill creating the Twenty-Seventh Judicial Circuit, providing for the election of Judge and Prosecuting Attorney thereof, and providing compensation thereof, declaring the jurisdiction of said courts, and providing for a transfer of actions thereof.

Was read a second time by title, and referred to the Committee on Organization of Courts.

Senate bill No. 336, entitled "An act authorizing the Governor of the State to remove Prison Directors, in certain cases,"

Was read a second time by title, ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 337, entitled "An act to make appropriations for certain purposes, and upon certain conditions therein expressed, and making provisions for the current expenses of the Benevolent Institutions of the State, in cases where the State fails to make the necessary appropriations therefor,"

Was read a second time.

Mr. Cravens moved that the rules be suspended, and that the bill be considered as engrossed and read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphries, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Smith, Turner, Wolcott and Wood—37.

Those who voted in the negative were,

Messrs. Bird, Johnson of Montgomery, Robinson of Decatur, and Sherrod—4.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner, Wolcott and Wood—39.

Those who voted in the negative were,

Messrs. Huffman and Johnson of Montgomery—2.

So the bill passed.

The question being, shall the title of the bill stand as read?

Mr. Cravens moved to amend the title so as to read as follows:

And making provisions for the current expenses of the Benevolent Institutions of the State, in cases where the State fails to make the necessary appropriations therefor.

Which was agreed to.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER FOR THE HOUR.

Engrossed Senate bill No. 45. A bill relating to the salaries of the Judges of the Supreme, Circuit Civil, and Criminal Circuit, and Common Pleas Courts; and providing for the salaries of Prosecuting and District Attorneys, and declaring an emergency.

Which was made the special order for this hour, was taken up, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hooper, Howk, Huffman, Jaquess, Johnson of Spencer, Kinley, Morgan, Robinson of Madison, Scott, Turner, Wolcott and Wood—26.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Hamilton, Hess, Huey, Humphreys, Johnson of Montgomery, Lee, Rice, Reynolds, Robinson of Decatur and Sherrod—14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Fisher, the order of business was suspended, and Senate bills Nos. 220, 250 and 261, were taken up.

Mr. Turner moved to take up Senate bill No. 230.

Which was agreed to.

Mr. Fosdick moved to take up Senate bill No. 122.

Which was agreed to.

Mr. Jaquess moved to take up Senate bill No. 167.

Which was agreed to.

Mr. Rice moved to take up Senate bill No. 34.

Which was agreed to.

Engrossed Senate bill No. 220. A bill authorizing parties losing money or valuable property, at gaming or betting, to sue for and recover the same of parties winning such money or valuable property.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Howk, Huffman, Huey, Jaquess, Johnson of Spencer, Johnson of Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Wood—31.

Those who voted in the negative were,

Messrs. Bird, Bradley, Denbo, Hanna, Henderson, Humphreys, Lee and Sherrod—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 258. A bill to allow partnerships to bring and maintain suits in their adopted names in certain cases.

Was read a third time.

Mr. Cravens, by unanimous consent, offered the following amendment to the bill.

In section one, strike out the word numerousness, and insert in lieu thereof, the great number.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner and Wood—39.

Mr. Sherrod voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson of Montgomery, by the unanimous consent of the Senate, made the following report:

MR. PRESIDENT:

Your Committee on County and Township Business, to whom was referred House bill No. 97, a bill authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction, relative to the School Funds, etc., have had the same under consideration, and have directed me to report, that in the opinion of the Committee, the bill conflicts with the Constitutional provisions that prohibits the passage of any local laws in relation to the School Funds.

The Committee, therefore, recommend that the bill lie on the table.

Which report was concurred in.

Engrossed Senate bill No. 261. A bill to allow cities and incorporated towns within this State, to erect buildings for fire and other municipal purposes, on docks and wharves, in certain cases.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Sherrod—37.

Those who voted in the negative were,

Messrs. Hanna and Smith—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hooper, from the Committee on Phraseology, Arrangement of Bills and Enrolled Bills, made the following report:

MR. PRESIDENT:

Your Committee on Phraseology, Arrangement of Bills and Enrolled Bills, have carefully examined enrolled Senate act No. 290, A bill creating the Twenty-sixth Judicial Circuit, and fixing the times of holding the courts in the Fourth Judicial Circuit. Also, enrolled Senate act No. 320. An act to amend the 1st section of an act to fix the time of holding the courts of common pleas in the Fifth Judicial District, repealing all other laws in conflict on the same subject; approved February 9, 1867, legalizing the acts of certain of said courts, repealing the act on the same subject, approved February 24, 1869, and declaring an emergency, and find the same to be neatly and correctly enrolled.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate enrolled act No. 320, entitled An act to amend the 1st section of an act to fix the time of holding the courts of common pleas in the Fifth

Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect, approved February 9, 1867, legalizing the acts of certain of said courts, repealing the act on same subject, approved February 24, 1869, and declaring an emergency; and the same is herewith returned to the Senate.

The hour of 12 m. having arrived, the Senate repaired to the Hall of the House of Representatives for the purpose of taking such action in joint convention as is indicated by the concurrent resolution passed on yesterday, providing for the election of one director of the State Prison South.

The Hon. Will Cumback, President of the Senate, took the chair and called the joint convention to order, and announced that nominations for Director of the State Prison South were now in order.

Mr. Hamilton of Vigo nominated R. S. Heiskell for the office of Director of the State Prison South.

Mr. Lawler of Washington put in nomination J. Keigsmann for the same office.

Those who voted for Mr. Heiskell were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Robinson of Madison. Robinson of Decatur, Scott, Wolcott and Wood,

Of the Senate—24.

Those who voted for Mr. Heiskell were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Sabin, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker,

Of the House—49.

The whole number of votes given for Mr. R. S. Heiskell was 73.

Those who voted for Mr. Keigwin were,

Messrs. Bird, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Lee, Morgan, Sherrod, Smith and Turner,

Of the Senate—13.

Those who voted for Mr. Keigwin were,

Messrs. Addison, Admire, Barritt, Bates, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cunningham, Davis of Floyd, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McFadin, McGregor, Miles, Miner, Montgomery, Neff, Odell, Palmer, Shoaff, Sleeth, Sunman, Tebbs, Welborn and Williams of Knox,

Of the House—35.

The whole number of votes given for Mr. J. Keigwin was 48.

Mr. R. S. Heiskell having received a majority of all the votes given, was declared duly elected Director of the State Prison South for the term prescribed by law.

The business for which the joint assembly¹ was convened having been disposed of the convention adjourned *sine die*.

The Senate returned to its chamber.

On motion of Mr. Wood, the Senate adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Carson demanded a call of the Senate.

The Secretary proceeded with the call.

Those who answered to their names were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—37.

Mr. Johnson, of Spencer, moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Turner moved to take up from the table,

Senate bill No. 230, entitled "An act to amend section four of an act approved February, 1865, entitled 'An act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith.'"

Which was agreed to, and the bill was read a third time.

Mr. Hooper moved to suspend the order of business for the purpose of moving a reconsideration of the vote by which Senate bill No. 230 was taken from the table.

The question being upon the motion to suspend the order of business,

The ayes and noes were demanded by Messrs. Turner and Bradley.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Fisher, Fosdick, Green, Hamilton, Hess, Hooper, Jaquess, Kinley, Reynolds, Scott, and Wolcott—18.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Gray, Hadley, Hanna, Henderson, Hawk, Huey, Huffman, Humphreys, Johnson

of Spencer, Lee, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Sherrod, Smith, Turner, and Wood—23.

So the motion to suspend the order of business was not agreed to.

Mr. Cravens moved to lay Senate bill No. 230 upon the table.

The ayes and noes were demanded by Messrs. Hanna and Hamilton.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Fisher, Fosdick, Green, Hamilton, Hess, Hooper, Jaquess, Kinley, Morgan, Reynolds, Scott, and Wolcott—19.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Church, Denbo, Gifford, Gray, Hadley, Hanna, Henderson, Hawk, Huey, Huffman, Humphreys, Johnson of Spencer, Lee, Rice, Robinson of Madison, Robinson of Decatur, Sherrod, Smith, Turner, and Wood—22.

So the motion to lay the bill on the table was not agreed to.

Mr. Fosdick demanded the previous question.

Which was seconded by the Senate.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Denbo, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hawk, Huey, Huffman, Humphreys, Johnson of Spencer, Lee, Rice, Robinson of Madison, Robinson of Decatur, Smith, Turner, and Wood—27.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Cravens, Fisher, Fosdick, Green, Hooper, Jaquess, Kinley, Morgan, Reynolds, Scott, and Wolcott—14.

So the bill passed.

The question being, shall the title of the bill stand as read ?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Carson asked and obtained leave of absence until Tuesday at 9 o'clock A. M.

The order of business was suspended, and Mr. Rice offered the following resolution :

Resolved, That the resolutions of the Senate in relation to the correspondence of Lieutenant Governor Cumback with Governor Baker, and the proceedings of the Senate in relation thereto, be expunged from the Journal of the Senate, and that the Secretary of the Senate be directed to write across the face of said resolutions and proceedings "Expunged by order of the Senate."

On motion of Mr. Hanna, it was made the special order for next Tuesday at 2 o'clock P. M.

Mr. Robinson, of Madison, asked and obtained indefinite leave of absence for Mr. Howk.

Mr. Green asked and obtained leave of absence for next week.

Mr. Hanna moved to suspend the order of business, and take up Senate bill No. 134.

Which was agreed to.

Engrossed Senate bill No. 134. A bill to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated associations, and to repeal all former laws relating to the same subject.

Was read a third time.

Mr. Carson demanded a call of the Senate.

The following Senators answered to their names.

Messrs. Andrews, Armstrong, Bellamy, Bradley, Carson, Case, Caven, Church, Denbo, Fisher, Fosdick, Gifford, Gray, Green,

Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—39.

On motion of Mr. Carson, further proceedings under the call were dispensed with.

Mr. Bradley demanded the previous question.

Which was seconded by the Senate.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Armstrong, Denbo, Fisher, Fosdick and Hadley—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Wolcott gave notice that on to-morrow, he would make a motion to reconsider the vote by which Senate bill No. 134, was passed.

Engrossed Senate bill No. 122. An act supplemental to an act authorizing cities and towns to negotiate and sell lands, to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and to authorize the levy and collection of an additional special school tax, for the payment of the principle and interest of such bonds, approved March 11, 1867.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Fosdick, Gray, Green, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Sherrod, Turner, Wolcott and Wood—30.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Fisher, Gifford, Hadley, Hanna, Johnson of Spencer and Robinson of Decatur—10.

So the bill passed.

The question being, shall the title of the bill stand as read.

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Huffman moved to take Senate bill No. 9 from the table, and place it upon the files.

Which was agreed to.

Engrossed Senate bill No. 167. A bill to amend section four of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Church, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Wolcott and Wood—38.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate,

Mr. Scott, from the Committee on the Organization of Courts, made the following report:

MR PRESIDENT:

Your Committee on the Organization of Courts, to whom was referred House bill No. 90, creating the Twenty-eighth Criminal Circuit Court, have had the same under advisement, and have instructed me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Hooper moved to take up Senate bill No. 175.

Which was agreed to.

Engrossed Senate bill No. 175, entitled, "A bill defining who shall be competent witnesses in any court or judicial proceedings in this State, and to repeal all laws in conflict with the provisions of this act,"

Was read a third time.

Mr. Turner demanded the previous question.

Which was seconded by the Senate.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hess,
S. J. Ex. S.—11.

Hooper, Howk, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Wood—27.

Those who voted in the negative were,

Messrs. Bellamy, Bird, Carson, Denbo, Hanna, Henderson, Huey, Huffman, Humphreys, Sherrod, Smith and Turner—12.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate,

House bills 214, 72, 90 and 31, and Senate bill 191 were taken up, under a suspension of the order of business.

House bill No. 214, entitled "An act supplemental to an act entitled, 'An act supplemental to an act approved March 5, 1859, entitled, An act authorizing the purchasers of railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgages or sales made according to the terms of the deeds of trust, to organize as incorporated companies and prescribing their powers, and extending the time provided in said act for the organization of such distinct corporations by such purchasers,'" approved February 1, 1867.

Was read a first time.

Mr. Turner moved that the rules be suspended, and that the bill be read a second and third time now.

The ayes and noes were taken, under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper,

Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—40.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second and third time now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith and Turner—38.

Mr. Bird voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 191. A bill enabling cities or towns to build, improve, and keep in repair, roads leading to cemeteries, owned or used by the inhabitants of cities or towns, or owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Howk, Huey, Huffman, Humphreys,

Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Bird, Hanna, Henderson, Sherrod and Turner—5.

So the bill passed.

The question being, shall the title of the bill stand as read.

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 322. A bill to enable railroad companies which have formed articles of association, naming the place from, and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same.

In which the concurrence of the Senate is respectfully requested.

Engrossed House bill No. 90. A bill creating the Twenty-fifth Judicial Circuit, providing for the election of Judges, and Prosecuting Attorneys therefor, and providing compensation, etc.

Was read a second time.

Mr. Cravens offered the following amendments:

Amend the title by making it the Twenty-eighth and the Twenty-ninth Judicial Circuits, providing for the election of judges and prosecuting attorneys thereof, declaring the jurisdiction of said courts, and providing for a transfer of action thereto.

Amend section 1 line 3, by making the word county read counties, and after the word Vanderburg in same line, add the word Jefferson. In line 5 of the same section, strike out 29 and insert 28 and 29, and in same line make the word circuit read circuits; and in line 7 of same section make county read counties; and after the word Vanderburg add Jefferson. Strike out "a" in same line, and in the 8th line of said section make the word court read courts; in line 9 make court read courts; in line 12 of same section make court read courts; in same line make county read counties; in line 13, after Vanderburg add Jefferson; in line 14 make house read houses, and county read counties; in line 15 make county read counties; in line 16 make the word board read boards; in line 17 make county read counties; in line 18 make court read courts; in line 19 make county read counties, and in line 20 make court read courts; in line 21 make county read counties, and court read courts.

Section 2 line 1, make court read courts; in line 2 make county read counties, and after the word June, in line 3, add and January and July.

Strike out lines 1 and 2 in section 3, and insert at the first general election after the first general election after the passage of this act; in line 4 of the same section, after the word of, insert the words each of, and make the word circuit read circuits. In line 12 of section 3, make the word county read counties, and in line 4 after Vanderburgh add Jefferson. In line 5 make the word court read courts.

In section 5 line 6, make county read counties; in line 15 make county read counties; in line 16 make court read courts; in line 18 make court read courts, and county read counties; in line 21 make court read courts.

Which amendments were adopted.

Mr. Morgan moved that the rules be suspended, and that the bill be considered as engrossed, and read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Carson, Case, Cav-

en, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—39.

No Senator voting in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hanna, Hooper, Howk, Huey, Jaquess, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner and Wood—33.

Those who voted in the negative were,

Messrs. Armstrong, Humphreys and Wolcott—3.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 34. A bill to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats where the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing and improving streets and alleys, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case,

Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hess, Hooper, Howk, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Turner, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Bird and Hadley—2.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Kinley submitted the following report:

MR. PRESIDENT:

Your Committee on State Prisons, to whom was referred Senate bill No. 120, have had the same under consideration and have instructed me to report back to the Senate the accompanying substitute for the original bill, and recommend its passage: An act providing for the reorganization and government of the State Prisons, and for repealing all conflicting laws.

Which report and substitute, on motion of Mr. Kinley, was made the special order for next Tuesday at 10 o'clock, A. M.

By unanimous consent of the Senate, Mr. Andrews submitted the following report:

MR. PRESIDENT:

Your Committee on State Prisons having visited the Prisons North and South, respectfully report that they found the Prison North in good condition. It incloses within its walls an area of about eight acres. Its buildings are well constructed, well ventilated, commodious and comfortable; all are cleanly and well kept.

The prisoners, so far as your Committee could discover in an examination necessarily brief and hurried, were well fed, clothed and lodged. Out of 321, the whole number, 260 were working under

contract in different mechanical employments. The other 61, including some 25 able-bodied men, were engaged in different services of the Prison at their work, without being over-tasked or oppressed. They seemed as active and diligent as most workmen in peaceable and voluntary establishments. The officers and contractors were obliging in their efforts to aid the examinations of the Committee, and are commended for the faithful performance of their respective duties, and for the active, orderly and methodical prosecution of the business of the Prison.

At the Southern Prison there are within its walls an area about half as large as that at the Prison North. The buildings are crowded together in a smaller compass, are older, illy constructed, and not as well adapted to the purposes for which they were built. Of course they are not so easily kept, and do not exhibit the same neat and cleanly appearance. The cell-house is neither well lighted nor ventilated. In this latter particular, however, there has lately been much improvement by the insertion of large pipes through the walls. Its roof is leaky and needs repair. The mechanical and manufacturing shops are large and well supplied with machinery, and might accommodate a still greater number of workmen.

In this Prison there were 405 convicts, 17 of whom were females; 353 were on contract, and were working in the shops at furniture, at agricultural implements, and in iron works.

Your Committee were much pleased with the manner in which the prisoners there were treated, and with the operations of the shops. There was no apparent over-tasking or severity, but all were at work orderly and well.

The contractors appear to be thorough business men, energetic, kind and gentlemanly.

When your Committee were at the Prison neither the Warden nor the Doctors were present, but every reasonable attention and facility for the examination were offered by the Moral Instructor, the Physicians, and other officers. The prisoners were examined, and all officers and persons spoke in high terms of the kind and able management of the present Warden. The officers were all attention to the duties of their respective departments, and the affairs of the Prison generally appeared in a prosperous condition.

While such were the appearances presented to the examination of your Committee, they regret to say that there were several charges made of official misconduct during the term of the late Warden. The Committee made such inquiries into the matter as their brief stay at the Prison would permit, and thinking it required a more thorough investigation, in which all parties could be heard, they referred it, by permission of the Senate, to a sub-committee, to act in concert with a similar one on the part of the House, and to their report the Senate is respectfully referred.

From the annual reports of the officers of these Prisons, the Committee were at first led to the conclusion that the Prisons for the next two years would be self-sustaining. Judging merely from the working of the prisoners and the business of the Prisons, they could see no good reason why they should not do so. But for some reason, probably from the great expense of fitting up and starting new manufacturing establishments, the managers of our Prisons have not succeeded in contracting labor at as fair prices as are obtained in other States. In Ohio such labor is contracted as high as 70 cents per day—in our State not exceeding 50 cents per day. Most of these contracts have several years to run. From these considerations, from the results of the past, as well as the advice of the present Directory, your Committee think it imprudent to withhold from these Prisons the usual contingent appropriations for the purposes of retrenchment and reform.

Your Committee have prepared and reported a bill upon the subject, which has been recommitted, and a substituted bill reported to-day, and its passage recommended.

A. ANDREWS, Chairman.

On motion of Mr. Hooper, the report was laid on the table until next Tuesday at 10 o'clock, A. M.

Engrossed House bill No. 72. A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Smith, Wolcott and Wood
—34.

Those who voted in the negative were,

Messrs. Bradley, Carson, Humphreys and Robinson of Decatur
—4.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate, Mr. Smith introduced

Senate bill No. 338. A bill defining the Tenth Judicial Circuit, and fixing the time of holding the courts therein.

Which was read a first time, and passed to a second reading on to-morrow.

On motion of Mr. Green, Senate bills Nos. 218 and 239, were taken from the table and placed on file.

Mr. Church offered the following:

WHEREAS, The House of Representatives, by resolution, has appointed a committee of five to visit the town of New Harmony for the purpose of examining the valuable mineral collections belonging to the estate of the late Hon. David Dale Owen, with a purpose of purchasing the same for the use of the State of Indiana; Therefore,

Be it resolved, That a committee of three on the part of the Senate, be appointed to act in conjunction with the House committee.

Which was adopted.

Message from the Governor by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 23, 1869. }

MR. PRESIDENT :

By direction of the Governor, I have the honor to submit herewith his message, transmitting supplemental report of the Board of Directors of the Northern Prison.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the Senate and House of Representatives :

The Directors of the Northern Prison, in making their report, which was submitted at the last regular session, through an inadvertence, neglected to transmit with their report the report of the Moral Instructor of the Prison. For this, and other reasons, they have made to me a supplemental report, which is herewith respectfully transmitted to the General Assembly, together with the report of the Moral Instructor.

CONRAD BAKER.

To his Excellency, Conrad Baker, Governor of Indiana :

The undersigned, Directors of the Indiana State Prison North, beg leave to make the following supplementary report :

By accident, the report of the Moral Instructor was omitted from the last printed report of the Board of Directors. Said report contains many valuable suggestions, and is herewith submitted. It will be seen that the Chaplain asks the appropriation of a sufficient sum per annum, wherewith to replenish the Library, with such books as may be necessary for the instruction and improvement of the convicts.

The Board would respectfully represent, that at least \$500, for each of the years 1869 and 1870, be appropriated for this, as the present small library is almost entirely worn out.

The Board would also earnestly call your attention to the urgent necessity for removing the steam engine and boiling apparatus from the cellar and kitchen dining-room, and placing it between the dining-room and cell house, where it saves much loss of heat, by being in close proximity to the apartments to be heated, and at the same time avoid the evils that may arise from the explosion of the boiler.

We would also call your attention to the law regulating "over work in the prisons."

It appears that the law on this subject was repealed at the session of 1861, but this repeal was not known to any officers of the prison, nor any of the contractors up to the present time.

There being now no provision by law regulating such work, and there being a necessity for such work, we earnestly recommend that a law upon this subject be enacted, or some other provision made by which the prisoners may furnish themselves with such comforts or luxuries as they may desire, and which would be an incentive to industry and good behavior.

All of which is respectfully submitted.

A. D. HAMRICK,

President Board of Directors Prison North.

To A. D. Hamrick, J. N. Tyner and D. Crothers, Board of Directors of the Northern Indiana State Prison:

GENTLEMEN—I herewith respectfully submit the result of my observations made during the few months I have occupied the position of Moral Instructor. It is my pleasure to inform you that I find no difficulty in my intercourse with the convicts, to conform to the general rules and regulations of the prison, subject to the Warden. The Deputy Warden and his assistants have readily co-operated in all I required of them.

After the death of the Rev. H. C. Skinner the Warden invited me to open service in the new chapel, previous to my appointment by you. We commenced Sabbath, in January, 1868, and occupy the morning hour from 11½ to 12½ o'clock, in singing, prayer, read-

ing portions of Scripture, and sermon or lecture. From this the men are marched to dinner, and from thence to their cells. From 9 to 11 o'clock, A. M. of the Sabbath, is given to circulating the books of the library and receiving requests from the prisoners on any subject connected with the pastoral duties of the office. In the afternoon, the circulation of religious tracts, and conversation with such as request a visit from the Chaplain. During the week days the cells and hospital are only visited. The library consists of about 300 volumes, and though circulated weekly, is more a source of amusement than improvement to the convicts.

There is no organized church, nor have we had a Sabbath-school. There is no school as I understand the law contemplates, nor can there be without the necessary elementary books and apparatus. If the chapel or school room were so situated that the Moral Instructor could take such as may be taught, and these had access to proper books, under his instruction I think much good could be accomplished by this department of the prison discipline. As the law directs this officer shall give his entire attention to the mental and moral improvement of the convicts, and to the distribution of the library books, I especially call your attention to the improvements necessary, not only such as may be ordered by your Honorable Board, but all such as need further legislation, especially an appropriation of funds which may be used in purchasing books for the library, for Bibles and Testaments, beside the proper elementary books necessary for instruction. There are many hindrances around this work, arising out of its surroundings, over which the office of Moral Instructor has no control. The possibility of escape, the hope of pardon,—prompted too often by sympathizing friends,—the difference of time for trespasses of the same magnitude, the great difference in the nerve to endure and the muscle to perform labor, all these have their influence on men when under punishment.

The short experience I have in this peculiar work, the limited resources for educating these men, many of them here but a short time, knowing the strength of appetite, passion, and power of habit which they must contend with so soon as they leave us, I do not enter upon this work with sanguine hopes of extensive success. Yet I do think, by the united personal, as well as official aid of all who may be employed by the State, much may be done for them

while under the life force of all human and Divine power which should be concentrated for their reformation and spiritual welfare.

AARON WOOD.

Which message and the accompanying documents, were referred to the Committee on Prisons.

Mr. Hadley submitted the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills, to whom was recommitted Senate enrolled act No. 90, entitled An act to amend the 34th subdivision of section 53 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency, have re-examined the act, corrected the errors, and return the same to the Senate neatly and correctly enrolled.

Which report was concurred in.

On motion of Mr. Fisher, the Senate adjourned.

SATURDAY MORNING, 9 o'clock. }
 April 24, 1869. }

The Senate met.

On motion of Mr. Johnson of Spencer, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Fisher presented a petition from sundry citizens of the counties of Miami, Wabash, and Huntington, in the State of Indiana, asking the reorganization of the Eleventh Judicial Circuit.

Which was referred to the Special Committee to which House bill No. 11 was referred.

Mr. Jaquess presented several petitions from sundry citizens of the State of Indiana, asking compensation for the loss of property in the Morgan raid.

Which were referred to the Committee on the Morgan Raid.

Mr. Andrews presented a petition from sundry citizens of the State of Indiana, asking compensation for loss of property in the Morgan raid.

Which was referred to the Committee on the Morgan Raid.

REPORTS FROM STANDING COMMITTEES.

Mr. Case submitted the following report:

MR. PRESIDENT:

The Committee on Elections, to whom was referred House bill No. 178, a bill to amend section five of an act entitled "An act to provide for a more uniform mode of doing township business, pre-

scribing the duties of certain officers, &c., having had the same under consideration, have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Case submitted the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred House bill No. 179, a bill repealing section one of an act entitled "An act prescribing the number and defining the powers and duties of constables, and prescribing the time of the election of the same, having had the same under consideration, have directed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Reynolds submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred House bill No. 134, entitled a bill to amend section seventy-six of an act entitled "An act defining misdemeanors, and prescribing punishment therefor," report that they have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Gifford submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 311, entitled "An act to authorize the Boards of County Commissioners of the several counties of this State to make appropriations and donations for purposes therein mentioned," introduced by Mr. Bird, have had the same under consideration, and have directed me to return the bill, and recommend that it lie on the table.

Which report was concurred in.

Mr. Scott submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 321, providing for the fees and salaries of prosecuting attorneys of criminal courts, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Robinson, of Madison, submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred House bill No. 271, entitled "A bill to provide for holding courts in the county of Brown, in case of conflict with the Circuit Court of that county, and to repeal all laws in conflict with this act, and declaring an emergency," have had the same under consideration, and report the same back, and recommend its passage.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 341. "A bill creating the Twenty-Eighth Judicial Circuit, fixing the time of holding courts therein, declaring a vacancy in the offices of Judge and Prosecuting Attorney therein, providing for the election of a Judge and Prosecuting Attorney for the same, providing for a transfer of actions and return of process thereto, and declaring an emergency."

Also, that the House has passed the accompanying concurrent resolution, in reference to Chaplains of the State Prisons reporting the number and character of books in Prison Library.

In all of which the concurrence of the Senate is requested.

S. J. Ex. S.—12.

Mr. Fisher submitted the following report :

MR. PRESIDENT :

The Committee on Public Printing, to whom was referred Senate bill No. 312, a bill to regulate fees of printing in certain cases, and making provision for notice to non-resident parties, have had the same under consideration, and have directed me to report the same back, and recommend that it lie on the table.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 65, a bill amending section fifteen of an act for the incorporation of manufacturing and mining companies, and for mechanical, chemical and building purposes, approved May 20th, 1852, and declaring the meaning of the word 'annually,' as used in the thirteenth section of said act.

Mr. Denbo, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

Your Committee on the Organization of Courts, to whom was referred House bill No. 205, A bill to fix the time, and length of time for holding the circuit court in the county of Marshall, and repealing all laws contravening the provisions of this act, have had the same under consideration, and I am instructed to report the same back, recommending that it do pass.

Which report was concurred in.

Mr. Denbo submitted the following report :

MR. PRESIDENT :

Your Committee on the Organization of Courts, to whom was referred House bill No. 225, A bill to provide for the holding of

courts of common pleas in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto, have had the same under consideration, and I am instructed to report the same back recommending the passage of said bill.

Which report was concurred in.

Mr. Caven submitted the following report:

MR. PRESIDENT:

Your Committee on the Judiciary, to whom was referred Senate bill No. 324, introduced by Senator Caven, entitled An act in relation to criminal circuit courts, and the judges thereof, report that they have had the same under consideration, and upon the adoption of the accompanying amendment respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Rice, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate bill No. 212, entitled An act to repeal section 3 of an act entitled "An act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads, and also to repeal an act amendatory thereof;" approved March 11, 1867, have had the same under consideration, report back to the Senate a substitute therefor, and recommend its passage.

Which report was concurred in.

Mr. Robinson of Madison presented a petition from sundry citizens asking compensation for the loss of property by the Morgan raid.

Which was referred to the Committee on that subject.

By unanimous consent of the Senate, Mr. Gifford offered the following resolution:

Resolved, That each member of the Committee on State Prisons be allowed \$3,00 for every twenty-five miles traveled in visiting the Northern and Southern Prisons, and that the Auditor draw his warrant upon the Treasurer of State for said several amounts upon the certificate of the President of the Senate that said services were rendered.

Which resolution was adopted.

By unanimous consent of the Senate, Mr. Henderson offered the following resolution :

Resolved, That when the Senate adjourn it adjourn to meet on Tuesday next at 10 o'clock, A. M.

The ayes and noes were demanded by Messrs. Bellamy and Henderson.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Green, Hamilton, Henderson, Hawk, Huey, Humphreys, Lee, Montgomery, Rice, Scott, Sherrod, Smith and Wolcott—25.

Those who voted in the negative were,

Messrs. Bellamy, Denbo, Gray, Hanna, Hess, Hooper, Huffman, Jaquess, Johnson of Spencer, Kinley, Morgan, Robinson of Madison, Robinson of Decatur and Wood—14.

So the resolution was adopted.

Mr. Wolcott moved to reconsider the vote by which the resolution of Mr. Gifford was adopted.

Mr. Hanna moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Gifford and Wolcott.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Gifford, Gray, Hanna, Hawk, Humphreys, Jaquess, Johnson of Spencer and Sherrod—10.

Those who voted in the negative were,

Messrs. Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Green, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Kinley, Lee, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Wolcott and Wood—27.

So the motion to lay on the table was not agreed to.

The motion of Mr. Wolcott, to reconsider the adoption of the resolution, was then agreed to.

On motion of Mr. Gifford, the resolution was referred to the Committee on Fees and Salaries.

BILLS INTRODUCED.

Mr. Hamilton introduced

Senate bill No. 339. A bill to amend the 3d section of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes ;" approved May 20, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit: House bill No. 24. A bill to regulate the standing of the medical profession, declaring who may practice medicine, providing penalties for its violation ; in which the concurrence of the Senate is respectfully requested.

Mr. Andrews introduced

Senate bill No. 340. An act to amend section 103 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and mat-

ters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Kinley, by consent, submitted the following report :

MR. PRESIDENT :

The Sub-committee on State Prisons appointed to investigate and report to the Senate the condition and management of the State Prison South, respectfully ask leave to make the following supplementary statement explanatory of their former report :

The facts in the possession of the Committee do not implicate the Prison Physician, Clerk, Deputy Warden or Matron, and these officers should have been included among the honorable exceptions. The Committee wish to be distinctly understood as intending to implicate only the parties charged with corrupt practices in their report.

Which report was concurred in.

Mr. Wolcott moved to take up House bill No. 309, on which the House refused to concur in the amendments of the Senate.

Which was agreed to.

Mr. Armstrong moved that the Senate recede from its fifth amendment to said bill.

The ayes and noes were demanded by Messrs. Robinson of Decatur and Hanna.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Bird, Case, Caven, Cravens, Fisher, Gray, Hamilton, Hess, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Wood—19.

Those who voted in the negative were,

Messrs. Andrews, Bradley, Church, Denbo, Fosdick, Gifford, Green, Hanna, Henderson, Hooper, Howk, Huey, Huffman, Humphreys, Lee, Montgomery, Sherrod and Smith—16.

So the motion to recede was agreed to.

Mr. Hanna moved to recede from the Senate amendment to the 45th section of said bill.

Mr. Robinson of Decatur moved the previous question, which was seconded by the Senate.

The question recurring upon the motion of Mr. Hanna to recede from the amendment,

The ayes and noes were demanded by Messrs. Hanna and Gifford.

Those who voted in the affirmative were,

Messrs. Andrews, Bird, Cravens, Denbo, Fosdick, Gifford, Gray, Green, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner and Wood—26.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Bradley, Case, Caven, Fisher, Hamilton, Hess, Hooper, Kinley and Wolcott—12.

So the motion to recede was agreed to.

Mr. Cavin introduced

Senate bill No. 341. An act authorizing the sale of real estate by trustees for the benefit of the *cestui que* trust, and prescribing the method.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Kinley introduced

Senate bill No. 342. A bill to amend the title of an act entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing puppet show, and legerdemain;" approved June 15, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green moved that the Senate adjourn.

Which was not agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following engrossed amendments of the Senate to House bill No. 309, and also, that the House has amended the Senate additional amendment to sections 16 and 41, as follows, to-wit:

Amend by inserting after the words "and also," the words "in the several criminal circuit courts of the State."

The 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10, 11th and 13th, and also the amendment to section 16 and 41 of said bill.

Also, that the House has refused to concur in the 5th and 12th amendments of the Senate to said bill.

In which the concurrence of the Senate is respectfully requested.

Mr. Bellamy moved to take up House bills on second reading.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 6. A bill providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same.

Was read a second time, and passed to a third reading on tomorrow.

House bill No. 341. An act authorizing the sale of real estate.

Was read a second time, and passed to a third reading on tomorrow.

Engrossed House bill No. 38. A bill declaring certain contracts made by or with common carriers.

Was read a second time, and passed to a third reading on tomorrow.

Engrossed House bill No. 18. An act to amend sections 2 and 4 of an act entitled "An act for the incorporation and continuance of building loan fund and savings associations;" approved March 5, 1857, and supplemental thereto.

Was read a second time, and passed to a third reading on tomorrow.

Engrossed House bill No. 46. A bill to legalize the sale of seminary lands in Jasper county.

Was read a second time, and passed to a third reading on tomorrow.

Engrossed House bill No. 54. A bill to amend section 531 of an act entitled "An act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, and providing for the recording of recognizances, and the compensation of officers therefor."

Was read a second time, and passed to a third reading on tomorrow.

RESOLUTIONS.

Mr. Morgan offered the following resolution:

Resolved, That the present State Librarian be, and he is hereby authorized to draw and furnish to each Officer and Senator the balance of stationery and stamps the books of the last Librarian

shows each may be entitled to receive, and report the amount furnished to each within five days.

Which was adopted.

Mr. Rice offered the following resolution :

Resolved, That the State Librarian is hereby authorized to furnish the Secretary, Assistant Secretary and Doorkeeper of the Senate with six dollars' worth of postage stamps, to be drawn upon their own order, and that the chairman of each committee be furnished with three dollars' worth of stationery for the use of said committees.

Mr. Case moved to strike out all that part which referred to committees.

Mr. Bellamy moved that the resolution and amendment be postponed and made the special order for Wednesday next at 2 o'clock, P. M.

The ayes and noes were demanded by Messrs. Rice and Case.

Those who voted in the affirmative were,

Messrs. Bellamy, Case, Gray, Hamilton, Hess, Hooper, Huey, Jaquess, Kinley and Montgomery—10.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bird, Bradley, Caven, Church, Denbo, Fisher, Fosdick, Gifford, Hanna, Henderson, Huffman, Humphreys, Johnson of Spencer, Lee, Morgan, Rice, Robinson of Madison, Scott, Sherrod, Smith, Turner and Wood—24.

So the motion to postpone was not agreed to.

The question recurring upon the amendment of Mr. Case,

It was not agreed to.

Mr. Robinson of Madison moved to lay the resolution and amendment on the table.

Which was not agreed to.

The resolution was then adopted.

Leave of absence was granted to Messrs. Andrews, Hadley, Fisher, Cravens and Reynolds.

On motion by Mr. Armstrong, the Senate adjourned.

TUESDAY MORNING, 10 o'clock, }
 April 27, 1869. }

The Senate met.

On motion of Mr. Robinson of Madison, the reading of Saturday's Journal was dispensed with.

SPECIAL ORDER FOR THE HOUR.

The report of the Committee on Prisons, which was made the special order for this hour, was taken up.

On motion of Mr. Kinley, the further consideration thereof was postponed, and made the special order for to-morrow at 10 o'clock, A. M.

On motion of Mr. Case, the order of business was suspended, and Senate bills Nos. 316 and 317, and House bills Nos. 62, 40, 14, 113, 50 and 132, were taken up in the order in which they are named.

Mr. Kinley asked and obtained leave of absence for Mr. Armstrong.

Message from the Governor by John M. Commons, Private Secretary :

EXECUTIVE DEPARTMENT, }
 INDIANAPOLIS, April 24, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that enrolled act of the Senate No. 17, entitled An act to regulate the sale of patent rights, and to prevent frauds in connection therewith, was presented to him on the 20th day of April, 1869, and not having been acted upon within three days after its presentation, the

same took effect on the 23d day of April, 1869, and has been deposited in the office of the Secretary of State.

JNO. M. COMMONS, *Private Secretary.*

Message from the Governor by John M. Commons, Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 26, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed enrolled act of the Senate No. 58, entitled An act to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1865. Also,

Enrolled act of the Senate No. 231, entitled An act to amend section 2 of an act to provide a State Debt Sinking Fund for the payment of the principal and interest of the five and two and one-half per cent. stocks of the State therein named; prescribing the duties of the Auditor, Treasurer and Agent of State in relation thereto; approved December 21, 1865. Also,

Enrolled act of the Senate No. 48, entitled An act providing for the protection of the banks of water courses by securing the bushes growing along said banks from the ravages of stock. Also,

Enrolled act of the Senate No. 290, entitled An act creating the Twenty-sixth Judicial Circuit, and fixing the times of holding the courts in the Fourth Judicial Circuit. Also,

Enrolled act of the Senate No. 110, entitled An act to create the Twenty-seventh Judicial Circuit, providing for the appointment and election of a judge and a prosecuting attorney therein, and for their compensation, declaring the jurisdiction of the courts in said circuit, and providing for a transfer of actions thereto. Also,

Enrolled act of the Senate No. 320, entitled An act to amend the 1st section of an act to fix the time of holding the courts of common pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect;

approved February 9, 1867, legalizing the acts of certain of said courts, repealing the act on same subject, approved February 24, 1869, and declaring an emergency. Also,

Enrolled act of the Senate No. 90, entitled An act to amend the 34th sub-division of section 53 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and to regulate such other matters as properly pertain thereto;" approved March 14, 1867, and declaring an emergency. And that the same have been deposited in the office of the Secretary of State.

JNO. M. COMMONS, Private Secretary.

Senate bill No. 316. A bill relative to residence of parties plaintiff, and regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith,

Was taken up, and the amendments reported by the Committee on the Judiciary, as follows—Amend by adding the words "and affidavit" after the word "petition," in the 2d line of section 2 of said bill,—were adopted.

Mr. Case moved to suspend the rules, and, that the bill be considered as engrossed, and read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Turner, Wolcott and Wood—36.

No Senator voting in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Wolcott and Wood—32.

Those who voted in the negative were,

Messrs. Carson, Johnson of Spencer and Laselle—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 317. An act providing against fraud and corruption in procuring divorces in the courts of this State, declaring the same a felony, and providing a punishment therefor.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hamilton, Hanna, Henderson, Hess, Huffman, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Turner and Wolcott—31.

Those who voted in the negative were,

Messrs. Church, Hooper, Huey, Humphreys, Johnson of Montgomery, Laselle and Wood—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 34, An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and to make public improvements therein, and to make surveys and adopt plats when the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency. Also,

House enrolled act No. 65. An act amending section 15 of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes;" approved May 20, 1852, and declaring the meaning of the word "annually," as used in the 13th section of said act. Also,

House enrolled act No. 214. An act supplemental to an act entitled "An act supplemental to an act approved March 5, 1859, entitled 'An act authorizing the purchasers of railroads, plank roads, turnpike roads and macadamized roads, or parts thereof, under mortgaged sales, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such district corporations by such purchasers;'" approved February 1, 1867.

And the same are herewith transmitted for the signature of the President of the Senate.

House bill No. 62. A bill to amend section 147 of An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed; approved March 6, 1865.

Was taken up.

Mr. Caven moved that the rules be suspended and the bill read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Smith, Taggart, Turner, Wolcott and Wood—35.

Those who voted in the negative were,

Messrs. Johnson of Montgomery, Scott and Sherrod—3.

So the rules were suspended and the bill was read a second time.

Mr. Robinson of Madison offered the following amendment to the bill: Insert after the words "English Grammar," the words "Physiology and History of the United States."

Which was adopted.

Mr. Fisher offered the following: Amend by striking out the words "where the parents or guardians of twenty-five," and insert "where the parents or guardians of a majority."

Mr. Beardsley demanded the previous question, which was seconded by the Senate.

The question being upon the adoption of Mr. Fisher's amendment,

It was not agreed to.

Mr. Carson moved to reconsider the vote by which the previous question was seconded.

Which was not agreed to.

The bill was then read a second and third time.

The question being, shall the bill pass?

S. J. Ex. S.—13.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Carson, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanan, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Taggart, Turner, Wolcott and Wood—37.

Those who voted in the negative were,

Messrs. Cravens, Johnson of Montgomery and Rice—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit :

Resolved, That the Clerk is hereby directed to return to the Senate, House bill No. 309, entitled An act making general appropriations, etc., together with the House engrossed amendment to the Senate amendment, making an appropriation of \$5,000 for building an engine and boiler house at the Northern State Prison, and that he inform the Senate of the omission to transmit said amendment of the House, and to ask the Senate to concur in the same; and that the said amendment of the House to the 9th amendment of the Senate to House bill No. 309 reads as follows, to-wit :

Amend by striking out \$5,000 and inserting \$2,000.

Which is herewith respectfully submitted for the concurrence of the Senate.

Mr. Hanna moved to concur in the House amendment to Senate bill 309, to strike out \$5,000 and insert \$2,000.

Which was agreed to.

On motion of Mr. Denbo, the Senate adjourned.

TUESDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Bellamy demanded a call of the Senate.

The Secretary proceeded with the call, and the following Senators answered to their names :

Messrs. Andrews, Beardsley, Bellamy, Caven, Carson, Case, Church, Craven, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Taggart, Turner, Wolcott and Wood—40.

Mr. Hadley moved that the absentees be sent for.

Which was agreed to.

Mr. Smith moved that the further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Carson asked and obtained leave of absence for Mr. Bird, on account of sickness.

On motion of Mr. Church, the further proceedings under the call were dispensed with.

Mr. Scott asked and obtained leave of absence for Mr. Case.

SPECIAL ORDER FOR THE HOUR.

The special order for this hour being the resolution expunging from the record the resolutions on the correspondence between the Governor and Lieutenant-Governor,

Mr. Rice demanded the previous question, which was seconded by the Senate.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Hanna and Rice.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Carson, Case, Caven, Church, Denbo, Elliott, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Taggart, Turner, Woleott and Wood—35.

Those who voted in the negative were,

Messrs. Beardsley, Cravens, Fisher, Fosdick, Hess, Hooper, Kinley and Reynolds—8.

Mr. Cravens moved that the Secretary be requested to proceed at once to execute the order of the Senate in expunging the resolutions.

Mr. Bellamy moved to lay the motion on the table.

Which was agreed to.

Mr. Bellamy moved to reconsider the vote by which the resolution was passed.

Mr. Bellamy moved to lay that motion on the table.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 198. A bill to amend the 19th section of an act approved June 10, 1852, entitled "An act defining felonies, and prescribing punishment therefor."

In which the concurrence of the Senate is respectfully requested.

Mr. Scott moved to be excused from serving on the special committee to visit the Soldiers' Home at Dayton.

Which was agreed to.

On motion of Mr. Hadley, Mr. Hooper was added to said committee.

Senate bill No. 282. A bill defining and providing punishment for libel, being the special order for this hour, was taken up.

And was read a third time.

Mr. Robinson of Decatur, moved to lay the bill on the table.

Which was agreed to

Engrossed House bill No. 40. A bill to enable County Commissioners to demand, sue for, and receive any bounty fund, which may have been raised by the citizens of any county in the State, and which remain unexpended, or not accounted for, and declaring an emergency.

Was taken up and read a second time.

Mr. Morgan moved to suspend the rules, and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith and Wood—35.

Mr. Johnson of Spencer, voting in the negative.

So the rules were suspended.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman,

Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Turner and Wood—36.

Those who voted in the negative were,

Messrs. Henderson, Smith and Taggart—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 14. An act to amend section three of "An act regulating interest on money."

Was read a second time and passed to a third reading on tomorrow.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 72. A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding Courts therein.

Also, that the House has refused to concur in the engrossed amendments of the Senate to House bill No. 90; a bill creating the Twenty-fifth Judicial Circuit, providing for the election of Judges and Prosecuting Attorneys therefor, providing compensation, etc., and the bill with the amendment of the Senate is herewith returned to the Senate.

Engrossed House bill No. 113. A bill to render taxation for Common School purposes uniform, and to provide for the education of the colored children of the State.

Was read a second time.

Mr. Carson offered the following amendment :

Amend by inserting in lieu of the proposed amendment as follows:

Provided, however, that such colored children shall be excluded from the same schools with the white, when any objection is made by any portion of the school.

Mr. Cravens moved to lay the amendment to the amendment recommended by the Committee, on the table.

Messrs. Carson and Hanna demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Hamilton, Hess, Hooper, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Wood—20.

Those who voted in the negative were,

Messrs. Carson, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Laselle, Lee, Morgan, Rice, Sherrod, Smith and Taggart—18.

So the amendment was laid upon the table.

Mr. Carson moved to lay the amendment of the Committee on the table.

Messrs. Carson and Cravens demanded the the ayes and noes.

Those who voted in the affirmative were,

Messrs. Carson, Gifford, Gray, Hanna, Henderson, Howk, Huey, Huffman, Humphreys Jaquess, Johnson of Spencer, Johnson of Montgomery, Lee, Montgomery, Morgan, Rice, Scott, Sherrod, Smith and Taggart—19.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Hamilton, Hess, Hooper, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur and Wood—18.

So the motion to lay the amendment on the table was agreed to.

Mr. Hanna offered the following amendment:

Provided, That of the moneys collected by taxation for school purposes, in any township, no greater sum shall be expended therein in supporting colored schools, than shall have arisen from the assessments of the property of colored people.

Mr. Robinson, of Madison, moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Robinson of Madison and Carson.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith and Wood—25.

Those who voted in the negative were,

Messrs. Carson, Gifford, Hanna, Henderson, Hawk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery and Taggart—12.

The motion to lay the amendment on the table was agreed to.

The bill then passed to a third reading on to-morrow.

Mr. Hanna moved that the Senate do now adjourn.

Which was not agreed to.

Engrossed House bill No. 50, entitled "A bill to amend sections one and three of an act entitled, 'An act to repeal all general laws now in force for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and regulate such other matters as properly pertain thereto,'" approved March 14, 1867,

Was read a second time.

Mr. Elliott moved to suspend the rule, and that the bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphries, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, and Wood—35.

Those who voted in the negative were,

Messrs. Beardsley, Lee and Taggart—3.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Elliott, Fosdick, Gifford, Gray, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart and Wood—33.

Those who voted in the negative were,

Messrs. Fisher, Hanna, Huffman, Montgomery and Smith—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 132, entitled "A bill to enable cities to aid in the construction of railroads and water powers, and declaring an emergency,"

Was read a second time.

Mr. Robinson, of Madison, offered the following amendment :

Amend section first, by striking out the word "or," in the fifth line of said section, and inserting after the words Hydraulic Company, in the sixth line of said section, "or water powers."

Also, amend said section by adding after the word "road," in line eighteen, the words "Hydraulic Companies."

Add a new section :

Sec. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Amend the title by inserting the words "Hydraulic Company," after the word "road."

Which was adopted.

The bill then passed to a third reading on to-morrow.

On motion of Mr. Rice,

Engrossed House bill No. 322, entitled "A bill to enable railroad companies which have formed articles of association, warning the place from and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same,"

Was taken up and read a first time, and referred to the Committee on Corporations.

Mr. Hadley asked and obtained leave of absence for the special committee on the Soldiers' Home, for to-morrow.

Mr. Caven moved to take up House bill No. 273, and place it on the files.

Which was agreed to.

On motion by Mr. Hamilton,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }
 April 28, 1869. }

The Senate met.

On motion of Mr. Church, the reading of the Journal of yesterday was dispensed with.

Mr. Smith moved to suspend the order of business and take up Senate bill No. 338.

Which was agreed to.

Mr. Robinson of Madison moved to reconsider the vote by which the reading of yesterday's Journal was dispensed with.

Which was agreed to.

The motion to dispense with the reading of the Journal was not agreed to.

The Journal was then read.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 78. A bill to amend an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855; repealing all laws inconsistent herewith, and declaring an emergency.

In which the concurrence of the Senate is respectfully requested.

The President announced the special committee to visit New

Harmony to examine the geological specimens of David Dale Owen, Messrs. Rice, Morgan and Robinson of Decatur.

Senate bill No. 338. A bill defining what shall constitute the Tenth Judicial Circuit, and fixing the time for holding the courts therein.

Was taken up and read a second time.

Mr. Carson offered the following amendment :

Amend by striking out of Sec. — all that which relates to holding adjourned terms in the county of Allen.

Which was adopted.

Mr. Smith moved that the rules be suspended, and that the bill be read a third time.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Hamilton, Hanna, Henderson, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—38.

Mr. Hess voting in the negative.

So the rules were suspended.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Denbo, Fisher, Fosdick, Gray, Hamilton, Hanna, Henderson, Hess, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave of absence was granted Messrs. Gifford and Elliott for the day.

Mr. Denbo moved that Senate bill No. 51 be taken up.

Which was agreed to.

On motion, Senate bills Nos. 164, 9, 215, 75, 310, 88, 153, 285, and 212, and House bills Nos. 164, 143, 341, 53, 100, 310 and 132, were taken up.

Engrossed Senate bill No. 51. An act to amend section 9, and repealing part of an act entitled "An act concerning partition of lands;" approved May 20, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Caven, Church, Denbo, Gray, Hamilton, Hanna, Henderson, Hess, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—31.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Carson and Scott—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER FOR THE HOUR.

The special order for this hour being

Senate bill No. 120, entitled "A bill providing for the reorgan-

ization and government of State Prisons, and for repealing all conflicting laws."

Mr. Rice moved that the bill lie on the table, and that one hundred copies be printed.

The ayes and noes were demanded by Messrs. Kinley and Bellamy.

Mr. Kinley demanded a call of the Senate.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Fisher, Gray, Hamilton, Hanna, Henderson, Hess, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Wolcott and Wood—36.

On motion of Mr. Kinley, the further proceedings under the call were dispensed with.

The question recurring upon the motion of Mr. Rice, to lay upon the table and print.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Carson, Caven, Church, Gray, Henderson, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lee, Montgomery, Morgan, Rice, Scott, Sherrod, Smith, Taggart and Wood—21.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Cravens, Fisher, Hamilton, Hanna, Hess, Hawk, Huffman, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wolcott—15.

So the motion was agreed to.

Mr. Kinley moved to make the bill the special order for Friday next, at ten o'clock.

Mr. Rice moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Cravens and Kinley.

Those who voted in the affirmative were,

Messrs. Bellamy, Church, Henderson, Howk, Humphreys, Jaquess, Montgomery, Morgan, Rice, Scott, Sherrod, Smith, Taggart and Wood—14.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Carson, Caven, Cravens, Denbo, Fisher, Gray, Hamilton, Hanna, Hess, Huey, Huffman, Johnson of Montgomery, Kinley, Lee, Reynolds, Robinson of Madison, Robinson of Decatur, Stein and Wolcott—22.

So the motion to lay on the table was not agreed to.

The question recurring upon the motion of Mr. Kinley, to make the bill the special order for Friday.

The ayes and noes were demanded by Messrs. Rice and Robinson, of Madison.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Carson, Caven, Cravens, Fisher, Gray, Hamilton, Hess, Huey, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Stein, Wolcott and Wood—19.

Those who voted in the negative were,

Messrs. Bellamy, Church, Denbo, Hanna, Henderson, Howk, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Lee, Montgomery, Morgan, Rice, Scott, Sherrod, Smith and Taggart—18.

So the motion to make the bill a special order for Friday next, at two o'clock, was agreed to.

Mr. Rice moved that the report of the committee appointed to

investigate the affairs of the Southern Prison, go with the bill, and be made the special order for the same time.

Which was agreed to.

Engrossed Senate bill No. 164, entitled "An act to authorize the amendment of bills of exceptions, by inserting any written or printed document, instrument or record, which was or shall have been read in the trial of any cause, and which was or shall have been left out of such bill of exceptions, through fraud, accident or mistake,"

Was read a third time.

Mr. Humphreys moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Scott and Rice.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Cravens, Denbo, Gray, Henderson, Huffman, Humphreys, Johnson of Montgomery, Montgomery, Rice, Scott, Sherrod, Smith and Taggart—15.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Carson, Caven, Fisher, Hamilton, Hanna, Hess, Howk, Huey, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood—20.

So the motion to indefinitely postpone was not agreed to.

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed House enrolled act No 40. "An act to enable County Commissioners to demand, sue for and receive, any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency."

And the same is herewith transmitted for the signature of the President of the Senate.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Carson, Caven, Church, Cravens, Denbo, Hamilton, Hanna, Hess, Howk, Huey, Jaquess, Johnson of Spencer, Kinley, Morgan, Reynolds, Robinson of Decatur, Stein, Wolcott and Wood—21.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Fisher, Henderson, Huffman, Johnson of Montgomery, Lee, Montgomery, Rice, Scott, Sherrod, Smith and Stein—14.

So the bill failed for the want of a Constitutional majority.

Engrossed House bill No. 64. A bill defining what counties should constitute the Twelfth Judicial District, and fixing the time of holding Courts therein.

Was read a second time.

The following amendments were proposed by the Committee.

Strike out the word January, in the fifth line of the second section, and insert the word February.

Strike out the word first, in the sixth line of said second section, and insert the word third.

Strike out the word third, in the eighth line of said second section, and insert the word first.

Strike out the word February, in the thirteenth line of the second section, and insert the word January.

Strike out the word third, in the sixteenth line of said second section and insert the word first.

Strike out the word third, in the seventeenth line of the said second section, and insert the word second.

S. J. Ex. S.—14.

Insert after the word terms, in the tenth line of said second section, the following: or longer in the discretion of the Court.

Add to the said second section, the following:

And, provided further, that the business pending in said Court in the county of Marion, at any time fixed for holding Court in the county of Hendricks, the said Court in the county of Marion, may be adjourned for the period of two weeks, when the business in said Court shall be resumed as if no adjournment had been made.

Also, strike out the word March, in the eleventh line of the fifth section, and insert the word July.

Which were adopted.

Mr. Caven moved that the rules be suspended, and that the bill be read a third time.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Fisher, Gray, Hamilton, Hanna, Henderson, Hess, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Woleott and Wood—32.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Fisher, Gray, Hamilton, Hanna, Henderson, Hess, Howk, Huey, Huffman, Humphreys, Jacquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Wolcott and Wood—34.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 9. An act to amend section twenty-seven of "An act to provide for a general system of Common Schools, the officers and duties, and matters connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Was read a second time.

Mr. Hanna offered the following amendment:

Provided: That if the site selected shall be within less than forty rods of the dwelling house of the owner of the land so selected, the power herein given to condemn the same, shall not be applicable.

Which was adopted.

Mr. Bellamy moved that the following be substituted for section one.

That section twenty-seven of said act be amended to read as follows, to-wit:

When such meeting shall petition the Trustee in regard to repairs, removal or erection, of a school house, they shall furnish to such Trustee, an estimate of the probable cost of such repairs, removal or erection, and they shall also furnish to the Trustee a description of the site selected and agreed upon at such meeting, if they desire to re-locate or erect a school house.

And if, after ten days, the owner or owners of such tract of land so selected shall refuse to donate such land, not exceeding one acre, or shall refuse to sell the same, the trustees shall appoint three commissioners to view and appraise the said land, and if either party are dissatisfied with the report of said commissioners in the

county in which the land is situated, at their next regular meeting, (the owner of said lands being allowed to appeal upon the subject of the location as well as valuation,) the trustee shall pay or tender to the owner of said land the appraised value, or, in case of appeal, the value fixed by the County Commissioners, out of the special school revenue in his hands, and after such tender or payment, may proceed to erect a school house on said tract of land.

Which was adopted.

The bill was then passed to a third reading, on to-morrow.

On motion by Mr. Sherrod, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Cravens moved to take up House bill No. 90.

Which was agreed to.

Mr. Cravens moved that the Senate adhere to its amendments to said bill, and that a committee of conference be appointed.

Which was agreed to.

Engrossed House bill No. 143—

A bill supplemental to an act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding and selling such animals as shall not be allowed by law to run at large, approved March 31, 1862, and providing that the owner of such animal or animals shall not be liable for any damage or injuries that said animal or animals may or shall occasion on any railroad track or uninclosed lands and highways, and declaring an emergency.

Was read a second time, and passed to a third reading on tomorrow.

Engrossed House bill No. 341. A bill creating the Twenty-eighth Judicial Circuit, fixing the time of holding courts therein, declaring a vacancy in the office of judge and prosecuting attorney therein, providing for the election of a judge and prosecuting attorney for the same, providing for a transfer of action and return of process thereto, and declaring an emergency.

Was read a first time.

Mr. Henderson moved to suspend the rules and read the bill a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Cravens, Denbo, Fisher, Fosdick, Gray, Hamilton, Hanna, Henderson, Hess, Howk, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood—35.

No Senator voting in the negative.

So the rules were suspended.

Mr. Henderson offered the following amendment:

Amend by striking out Morgan county, and all that related thereto.

Mr. Hanna moved to refer the bill and pending amendments to the Committee on Organization of Courts, with the following instructions:

Adding Johnson county to the Fourth Circuit, and fix the time of holding courts therein, and strike out the balance of the bill.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 50, An act to amend sections 1 and 3 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto;" approved March 14, 1867.

And the same is herewith transmitted for the signature of the President of the Senate.

Engrossed Senate bill No. 215—

A bill to authorize aid to the construction of railroads, by counties and townships taking stock in, and making donations to, railroad companies,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Caven, Church, Cravens, Fisher, Fosdick, Hamilton, Henderson, Hess, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Turner, Wolcott and Wood—39.

Those who voted in the negative were,

Messrs. Beardsley, Gray, Hanna, Humphreys, Lee and Taggart—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 53—

A bill to regulate the mileage of Sheriffs, in conveying convicts to the State Prisons, and repealing all laws in conflict herewith,

Was read a first time, and passed to a second reading on to-morrow.

Engrossed House bill No. 100—

A bill to amend the tenth section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1865,

Was read a second time.

On motion of Mr. Church, it was referred to the Committee on the Judiciary.

Senate bill No. 75—

An act to protect the citizens of Indiana from empiricism, and elevate the standing of the medical profession.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Carson, Caven, Church, Cravens, Fisher, Gray, Hamilton, Henderson, Hess, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Sherrod, Stein, Turner, Wolcott and Wood—28.

Those who voted in the negative were,

Messrs. Bellamy, Denbo, Fosdick, Hanna, Humphreys, Johnson of Montgomery, Robinson of Decatur, Scott and Smith—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Carson asked the consent of the Senate to strike out the emergency clause.

Which was agreed to.

Senate bill No 310—

A bill to establish uniformity in the measurement of lime,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Caven, Church, Cravens, Gray, Hess, Huey, Johnson of Spencer, Kinley, Morgan, Reynolds, Robinson of Madison, Scott, Smith, Stein and Wood—20.

Those who voted in the negative were,

Messrs. Beardsley, Denbo, Fosdick, Hamilton, Hanna, Henderson, Huffman, Humphreys, Johnson of Montgomery, Rice, Robinson of Decatur, Sherrod, Taggart and Wolcott—15.

So the bill failed to pass for want of a constitutional majority.

Engrossed House bill No. 310—

A bill touching vacancies in county and township offices, and filling the same by appointment, repealing all laws in conflict with the provisions of this act, and declaring an emergency,

Was read a second time.

Mr. Robinson, of Madison, moved that the bill be referred to the Committee on the Judiciary.

The ayes and noes were demanded by Messrs. Turner and Smith.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Cravens, Fisher, Fosdick, Hamilton, Hess, Hawk, Jaquess, Johnson of Spencer, Morgan, Rice, Reynolds, Robinson of Madison, Scott and Stein—20.

Those who voted in the negative were,

Messrs. Carson, Denbo, Henderson, Huey, Huffman, Humphreys Johnson of Montgomery, Kinley, Robinson of Decatur, Sherrod, Smith, Taggart, Turner, Wolcott and Wood—15.

So the motion to refer was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed House enrolled act No. 72: An act defining what counties constitute the Fifth Judicial Circuit, and fixing the time of holding Courts therein,

And the same is herewith transmitted for the signature of the President of the Senate.

Engrossed Senate bill No. 188—

An act providing for the sale of certain lands belonging to the State of Indiana, in the county of Clay,

Was read a third time.

Mr. Turner moved that the bill be referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Carson demanded the previous question.

Which was seconded by the Senate.

The question then recurring on the motion of Mr. Turner, to refer the bill.

The ayes and noes were demanded by Messrs. Scott and Church.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Carson, Caven, Cravens, Henderson, Howk, Huey, Humphreys, Johnson of Montgomery, Lee, Montgomery, Morgan, Sherrod, Smith, Stein, Turner and Wood—17.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Caven, Church, Fisher, Fosdick, Hamilton, Hess, Huffman, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart and Wolcott—19.

So the motion to refer was not agreed to.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Caven, Church, Cravens, Fisher, Fosdick, Gray, Hamilton, Hess, Huey, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—24.

Those who voted in the negative were,

Messrs. Beardsley, Henderson, Howk, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery, Sherrod, Stein, Taggart and Turner—12.

So the bill failed to pass for want of a constitutional majority.

Senate bill No. 53—

An act to amend an act entitled, an act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1859,

Was read a second time, and passed to a third reading on tomorrow.

Senate bill No. 285—

An act to amend section one of an act entitled an act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana, approved January 15, 1844.

Was read a third time.

Mr. Wolcott, by unanimous consent, offered the following amendment:

Provided, That nothing herein contained shall be construed to exempt more than three hundred and twenty acres of land from taxation.

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Fosdick, Gray, Hamilton, Henderson, Hess, Howk, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—31.

Those who voted in the negative were,

Messrs. Armstrong, Johnson of Montgomery, Lee, and Robinson of Decatur—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 212. An act to repeal section 3 of an act entitled "An act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads," etc.

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Engrossed House bill No. 132. A bill to enable cities to aid in the construction of railroads and water powers, and declaring an emergency.

Was read a third time.

The following amendments reported by the committee, were adopted:

Amend by inserting after the word "State," in the 4th line, the following words: "upon petition of a majority of the resident freeholders of such city." Also, strike out from the word "city," in the 9th line, all to the word "city" in the 13th line.

Mr. Carson, by unanimous consent, offered the following amendment:

Amend section 1 by striking out the word "or" in the 5th line of said section, and inserting after the words "hydraulic company," in the 6th line of said section, "or water powers." Also, amend said section by adding after the word "road," in line 18, the words "hydraulic companies."

Add a new section—

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act; therefore, the same shall take effect and be in force from and after its passage.

Amend the title by inserting the words "hydraulic company" after the word "road."

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Fisher, Fosdick, Gray, Hamilton, Hess, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Wolcott and Wood—34.

Mr. Johnson of Montgomery voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 6. A bill providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Gray, Hamilton, Henderson, Hess, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein and Wood—28.

Those who voted in the negative were,

Messrs. Fisher, Fosdick, Hanna, Lee, Montgomery, Smith, Taggart, Turner and Wolcott—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Rice moved that House bill No. 97 be taken up and placed on file.

Which was agreed to.

Mr. Sherrod moved to take up Senate bill No. 284 and place on the files.

Which was agreed to.

On motion of Mr. Stein, the Senate adjourned.

THURSDAY MORNING, 9 o'CLOCK. }
 April 29, 1869. }

The Senate met.

On motion of Mr. Johnson of Spencer, the reading of yesterday's Journal was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Cravens presented a petition from sundry citizens of Jefferson county, asking compensation for damages done by the Morgan Raid.

Which was referred to the Committee on Expenditures.

Mr. Denbo presented sundry petitions from sundry citizens of Washington county, asking compensation for damages done by the Morgan Raid.

Which was referred to the Committee on Expenditures.

Mr. Henderson presented a remonstrance from the members of the bar of Morgan county against the passage of the bill changing their Judicial Circuit.

Which was referred to the Committee on Organization of Courts.

Mr. Bellamy presented sundry petitions praying for compensation for property destroyed by the Morgan Raid.

Which was referred to the Committee on Expenditures.

Mr. Denbo presented a petition from sundry citizens of Washington county in the State of Indiana, asking compensation for the loss of property in the Morgan Raid.

Which was referred to the Committee on Expenditures.

Mr. Bellamy presented a petition from sundry citizens asking for legislation to legalize the act of Enison Singer as justice of the peace during the time he acted as such through mistake after his commission had expired.

Which was ordered to accompany Senate bill No. 323.

REPORTS FROM STANDING COMMITTEES.

Mr. Fosdick submitted the following report :

MR. PRESIDENT :

Your Committee on Fees and Salaries to whom was referred Senate bill No. 158, with pending amendments, have had the same under consideration, and instruct me to report that they recommend the adoption of the amendments proposed to section 7; after which, they recommend the passage of the bill. Amend section 7 by inserting at the end the following: Provided, that said commissioners shall not in any way, directly or indirectly, be interested in the Public Printing.

Which report was concurred in.

Mr. Church submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred a communication of the Governor inclosing a bill entitled An act supplemental to an act passed December, 1868, entitled "An act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property made subsequent to the year 1859, and to amend sections 5 and 8 of the same act," have had the same under consideration, and direct me to report the same to the Senate and recommend that the bill do pass.

Which report was concurred in.

Senate bill No. 343—

An act supplemental to an act passed December 1865, entitled, "An act to secure a just valuation and taxation of all railroad prop-

erty within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property, made subsequent to the year 1859," and to amend sections five and eight of the same act,

Was read a first time, and passed to a second reading on tomorrow.

Mr. Wood, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate bill No. 306, entitled an act to authorize Township Trustees, Trustees of incorporated towns, and the Common Council of cities, to levy a tax for school purposes, approved March 9, 1867, and to prevent the collection of assessments for the year 1869, unless petitioned for in accordance with the provisions of this act, having had the same under consideration, respectfully recommend that the same do lie on the table.

Which report was concurred in.

Mr. Bellamy, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate bill No. 332, amending sections thirty-four and forty-three of the School Law, have had the same under consideration, and instructed me to report it back, with the following amendment :

Strike out of section two, after the word revenue, in the ninth line, the following :

"He shall also be entitled to his reasonable expenses, actually incurred in the discharge of his duties."

And when so amended, recommend its passage.

Which report was concurred in.

Mr. Caven, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred Senate bill No. 323, introduced by Senator Hadley, entitled an act to legalize the solemnization of marriages, and the taking and certifying to acknowledgment of deeds, mortgages and other instruments required to be recorded, and such other acts as are competent to be done and authenticated by Justices of the Peace of this State, after his commission had expired, report that they have had the same under consideration, and respectfully recommend the passage of the accompanying bill, as a substitute for said Senate bill No. 323.

An act to legalize the solemnization of marriages, taking and certifying acknowledgments of deeds and mortgages, and other instruments, and all other acts which by law are authorized to be done and performed by Justices of the Peace, solemnized, taken and certified to and done, by Enion Singer, a Justice of the Peace, within and for ——— township, Hendricks county, Indiana, after the expiration of his commission of Justice of the Peace, which expired on the 26th day of December, 1868.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives, to inform the Senate that the Speaker has signed House enrolled act No. 309, an act making general appropriations for the years 1869 and 1870, and the same is herewith transmitted for the signature of the President of the Senate.

RESOLUTIONS.

Mr. Kinley offered the following resolution:

WHEREAS, at the last Regular Session of the General Assembly a Joint Committee of the two Houses was appointed to investigate the affairs of the State's Prisons.

S. J. Ex. S.—15.

AND, WHEREAS, said Committee were compelled to, and did employ a Clerk, in the discharge of their duties,

AND WHEREAS, there has been no provision made for the payment of said Clerk, be it

Resolved, That the President of the Senate be, and he is hereby authorized to issue his certificate to said Clerk, for the time actually employed, as certified to by the Chairman of the Committee.

Which was adopted.

Mr. Carson offered the following concurrent resolution. Be it

Resolved, By the Senate—the House of Representatives concurring—that the action of the Governor of the State of Indiana, and his agent, the Adjutant General, in the settlement of the old Internal Improvement bonds, held by the General Government in trust for certain Indian tribes, referred to in his Message to the General Assembly, at the Regular Session of 1869, was unauthorized by law.

Resolved, That the General Assembly of the State of Indiana should make no provision for the payment of the principal or interest due, or to become due, on the old Internal Improvement Bonds, except as provided in the acts of 1846 and 1847 known as the Butler Bills.

Resolved, That the action of the Governor in the settlement, through his agent, the Adjutant General, of \$250,000, advanced to Governor Morton by the President of the United States, as his disbursing agent, in 1863, was unauthorized by law, and that no legislation sanctioning the settlement of the matters embraced in these resolutions and referred to by the Governor in his said Message, as embraced in the report of the Adjutant General, should be entertained or proposed by the General Assembly.

Mr. Scott moved to refer the resolutions to the Committee on Federal Relations.

Mr. Carson moved to refer the resolution to a Committee of the whole, and make it the special order for to-morrow at two o'clock P. M.

Mr. Wolcott moved to indefinitely postpone the resolutions.

Mr. Rice asked and obtained leave of absence for the remainder of the week.

Mr. Carson demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Bellamy, Carson, Caven Church, Cravens, Fisher, Fosdick, Gifford, Hadley, Hamilton, Hanna, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur Scott, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—37.

Mr. Carson moved that the absentees be sent for.

Which was not agreed to.

On motion of Mr. Reynolds, the Senate adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The Senate met.

The question pending at the adjournment, being the indefinite postponement of the concurrent resolution offered by Mr. Carson.

Mr. Wood demanded the previous question.

Which was seconded by the Senate.

Mr. Hanna moved a call of the Senate.

The Secretary proceed with the call.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hamilton, Hanna, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphrey, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood—34.

Mr. Hanna moved that the absentees be sent for.

Which was agreed to.

The President laid before the Senate the following Message, and accompanying documents.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 28, 1869. }

MR. PRESIDENT:

By direction of the Governor, I have the honor to submit herewith, his Message, transmitting a copy of a communication from Jessie Mehary, Esq., proposing to donate lands for the use of the Agricultural College.

JNO. M. COMMONS, Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 28, 1869. }

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit for your consideration, a copy of a communication from Jessie Mehary, Esq., of Tippecanoe county, Indiana, proposing to donate to the State, three hundred and twenty acres of his farm, situated in said county, for the use of the Agricultural College, provided the said College shall be located thereon. I have no information concerning the property proposed to be donated, except what is stated in the proposition.

CONRAD BAKER.

SHAWNEE MOUND,
 Tippecanoe Co., Ind., April 22, '69. }

To His Excellency, Conrad Baker:

Governor of Indiana:

SIR:—I have read with much pleasure the Hon. John Purdue's noble and generous offer to the Agricultural College. I, too, have been a citizen of said county of Tippecanoe for thirty-eight years, and feeling a deep interest in my adopted County and State, and in all its interests and improvements, I offer through your Excellency to the State of Indiana, to donate three hundred and twenty acres of my farm, including Shawnee Mound, and forty acres of timber land worth thirty thousand dollars, if said College is located on the same. I ask no consideration or reserve, only that, no spirituous or intoxicating liquors shall ever be sold thereon to be used as a beverage.

My neighbors stand ready to pledge themselves for fifty thousand dollars more if said College shall be located on my farm.

Shawnee Mound stands in the prairie adjoining the old Shawnee Village, (Indiana,) has an elevation of about seventy-five feet, and has an in-exhaustible supply of the best sand and gravel.

My farm is all prairie.

There is a good spring and an abundance of the best water, and the best of clay for making brick, and is not surpassed for health, fertility and beauty in the County or State.

There is a gravel road made and making from Pleasant Hill via Shawnee Mound to Lafayette, and another from the Mound to Attica, and still another running from the Mound east.

Now, if you think favorably of my offer, I will thank you to present the same to the House of the General Assembly for their consideration.

Very respectfully yours,

(Signed.)

JESSIE MEHARY.

All of which was referred to the Committee on Education and Agriculture.

Mr. Jaques from the Committee on Claims made the following report:

MR. PRESIDENT:

Your Committee on Claims to whom was referred the claim of S. G. Thompson, for seven days service as Assistant Doorkeeper, have had the same under consideration, and have directed me to report the same back and recommend that the same do lie upon the table, for the reason that in the opinion of the Committee the President of the Senate has the right to give him his certificate for his pay per diem.

Which report was concurred in.

Mr. Hooper submitted the following report:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate bill No. 330, entitled an act to amend the first section of an act entitled "An act to empower railroads to build branches to neighboring coal mines;" approved December 19, 1865, have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Howk introduced

Senate bill No. 344. An act to legalize sales by guardians under defective notices in not prescribing that said sales shall be without notice.

Was read a first time.

Mr. Turner moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Turner and Howk.

Those who voted in the affirmative were,

Messrs. Bellamy, Church, Elliott, Fosdick, Gray, Hadley, Hess, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Montgomery, Morgan, Reynolds, Smith, Turner and Wolcott—17.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Carson, Caven, Cravens, Fisher, Hamilton, Hanna, Henderson, Hooper, Howk, Huey, Humphreys, Lee, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart and Wood—21.

So the motion to indefinitely postpone was not agreed to.

The bill was then passed to a second reading on to-morrow.

By unanimous consent, further proceedings under the call of the Senate were dispensed with.

The question recurring upon the motion to indefinitely postpone the concurrent resolutions offered by Mr. Carson,

The ayes and noes were demanded by Messrs. Carson and Turner.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Morgan, Reynolds, Stein, Wolcott and Wood—20.

Those who voted in the negative were,

Messrs. Carson, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Taggart and Turner—17.

So the resolutions were indefinitely postponed.

Mr. Caven moved to suspend the order of business and take up Senate bill No. 273.

Mr. Hanna moved to include House bill No. 7.

Mr. Wood moved to include all Senate bills on third reading.

All of which was agreed to.

BILLS INTRODUCED.

Mr. Cravens introduced

Senate bill No. 345. An act authorizing the boards of commissioners for the several counties of the State to provide for the distribution of taxes therein.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gray introduced

Senate bill No. 346. An act to amend section 29 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed."

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 273. An act to authorize the issuing of arms and equipments to regularly incorporated military companies.

Was read a second time.

Mr. Caven moved to suspend the rules, and that the bill be considered as engrossed and read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs Andrews, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Hadley, Hamilton, Hess, Hooper, Huffman, Jaquess, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—29.

Those who voted in the negative were,

Messrs. Hanna, Henderson, Howk, Huey, Humphreys, Johnson

of Spencer, Johnson of Montgomery, Lee, Montgomery and Taggart—10.

So the rules were not suspended.

The bill was ordered to be engrossed, and passed to a third reading on to-morrow.

Engrossed House bill No. 7. A bill to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Taggart and Turner—35.

Mr. Wood voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 98. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks or banking associations doing business in this State.

Was taken up.

Mr. Gray moved that the bill be laid upon the table.

Which was agreed to.

Senate bill No. 54. A bill to authorize and empower cities to establish public parks, and to acquire title to land for that purpose.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Caven, Church, Elliott, Hanna, Hooper, Huey, Howk, Huffman, Jaquess, Laselle, Lee, Montgomery, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Turner and Wood—23.

Those who voted in the negative were,

Messrs. Fisher, Fosdick, Gray, Hadley, Hamilton, Henderson, Hess, Humphreys, Johnson of Spencer, Johnson of Montgomery, Morgan, Robinson of Decatur, Taggart and Wolcott—14.

So the bill failed to pass for want of a constitutional majority.

Engrossed Senate bill No. 53. An act to authorize the formation of corporative societies for the purchase or erection of dwellings or other buildings.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Elliott, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Walcott and Wood—21.

Those who voted in the negative were,

Messrs. Carson, Church, Cravens, Fisher, Fosdick, Gifford, Howk, Huey, Humphreys, Huffman, Johnson of Montgomery, Morgan and Taggart—15.

So the bill failed to pass for want of a constitutional majority.

Mr. Johnson of Spencer was announced to fill the vacancy in the special committee appointed to visit New Harmony, occasioned by the withdrawal of Mr. Rice.

Engrossed Senate bill No. 118. A bill to amend the 16th section of an act entitled "An act to provide for contesting election to any State, district, county or township office," approved May 4, 1852, to provide relief in cases of contests erroneously commenced by reason of the misprint of said 16th section, and to provide for taking depositions in all contests for circuit and district offices.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hamilton, Hess, Hooper, Howk, Jaquess, Johnson of Spencer, Kinley, Laselle, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—28.

Those who voted in the negative were,

Messrs. Carson, Hadley, Henderson, Huey, Haffman, Humphreys, Johnson of Montgomery, Lee, Smith and Taggart—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 147. A bill creating the Ninth and Twelfth Judicial Circuits, and providing for the times of holding courts therein.

Was read a third time.

Mr. Fisher moved that the bill lie on the table.

Which was agreed to.

Engrossed Senate bill No. 148. An act to legalize the acknowledgment of all deeds, mortgages and other instruments required to be recorded, taken, and certified by notaries public who took and certified such acknowledgments after the expiration of their commissions.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffinan, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood—36.

Mr. Beardsley voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 149. A bill to amend the 17th section of an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray Hadley, Henderson, Hess, Hooper, Howk, Huey, Huffman, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—30.

Those who voted in the negative were,

Messrs. Carson, Humphreys, Laselle, Smith, Taggart, Wolcott and Wood—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 151. A bill to enable cities to aid in the construction of railroads and water powers.

On motion of Mr. Robinson of Madison, the bill was laid upon the table.

Engrossed Senate bill No. 162. An act to provide for the service of process upon railroad companies.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wood—33.

Those who voted in the negative were,

Messrs. Andrews and Wolcott—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 166. A bill providing for the establishment of election precincts, and prescribing the duties of county commissioners in relation thereto.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood—35.

Mr. Johnson of Montgomery voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 172. A bill to exempt burial grounds from liens or sale on execution or other processes.

Was read a third time.

By unanimous consent of the Senate, Mr. Elliott moved to amend by adding an emergency clause.

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood—37.

Mr. Carson voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 173. A bill to change the corporate name of the Widows' and Orphans' Asylum of Indianapolis.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Reynolds, Robinson of Madison, Rob-

inson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood
—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 6. An act providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same.

And the same is herewith transmitted for the signature of the President of the Senate.

On motion of Mr. Stein, the Senate adjourned.

FRIDAY MORNING, 9 o'clock, }
 April 30, 1869. }

The Senate met.

Mr. Cravens in the Chair.

On motion of Mr. Robinson of Decatur, the reading of the Journal of yesterday was dispensed with.

Senate bills on third reading being in order, under the suspension of the order of business upon yesterday.

Engrossed Senate bill No. 177. An act to prohibit Clerks and Deputy Clerks of the Circuit Courts and Courts of Common Pleas of this State, from taking the declaration of intention of any alien to become a citizen of the United States of America, at any other place than their respective offices, or their proper Court House, and providing punishment for the violation of any of the provisions of this act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsly, Bellamy, Caven, Church, Cravens, Fisher, Gifford, Hamilton, Hess, Hooper, Huffman, Jaquess, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—21.

Those who voted in the negative were,

Messrs. Bradley, Carson, Fosdick, Hadley, Hanna, Henderson, Howk, Huey, Humphreys, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Smith and Taggart—16.

So the bill failed to pass for the want of a consitutional majority.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House consents to the appointment of a Committee of conference on House bill No. 90, and the Senate amendments thereto, and that the Speaker has appointed as such Committee on the part of the House,

Messrs. Welborn, Wilson and Overmyer.

Senate bill No. 181. An act to amend section 343 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, and to declare an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bearsdley, Bellamy, Bradley, Carson, Caven, Church, Cravens, Fisher, Gifford, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wood—34.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof

S. J. Ex. S.—16.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 170. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in this State.

In which the concurrence of the Senate is respectfully requested.

Senate bill No. 184. A bill to amend the nineteenth section of an act approved June 10, 1852, entitled "An act defining felonies and prescribing punishment therefor."

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Hadley, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart and Wood—34.

Mr. Hanna voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the engrossed amendments of the Senate, to House bill No. 132.

I am also directed by the Speaker of the House to inform the Senate, that the Speaker has signed House enrolled act No. 7, An act to authorize foreign guardians to take possession of, sue for, or receipt for personal property or assets of their wards, in this State.

And the same is herewith transmitted for the signature of the President of the Senate.

On motion of Mr. Scott, Senate bill No. 188 was taken up, and placed upon the calendar of bills on third reading.

Engrossed Senate bill No. 187. A bill to revise and amend an act entitled, "An act in relation to the taxation of lands in towns and cities," approved June 18, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Cravens, Gray, Huffman, Lasselle, Robinson of Decatur, Scott and Sherrod—7.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Elliott, Fisher, Fosdick, Gifford, Hamilton, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Robinson of Madison, Smith, Stein, Taggart, Wolcott and Wood—32.

So the bill failed to pass.

Mr. Cravens moved to take up the Message from the House, in which they consent to and appoint a committee of conference on the part of the House, upon House bill No. 90, and that a like committee be appointed on the part of the Senate.

Which was agreed to.

The President appointed as such committee, Messrs. Cravens, Morgan and Bellamy.

Engrossed Senate bill No. 188. An act providing for the sale of certain lands belonging to the State of Indiana, in the county of Clay.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Hamilton, Hanna, Henderson, Hooper, Humphreys, Jaquess, Johnson of Spencer, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Wolcott and Wood—26.

Those who voted in the negative were,

Messrs. Caven, Gifford, Hess, Howk, Huey, Johnson of Montgomery, Kinley, Lasselle, Lee and Morgan—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER FOR THE DAY.

Senate bill No. 120. An act providing for the reorganization and government of the State Prisons, and for repealing all conflicting laws, which was made the special order for this hour,

Was taken up.

Mr. Kinley moved to amend, by substituting the word February for March, in second section of the bill.

Which was agreed to.

Mr. Robinson, of Decatur, moved to strike out the first section of the bill.

Mr. Kinley demanded a call of the Senate.

The Secretary preceeded with the call.

The following Senators answered to their names:

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Taggart, Wolcott and Wood—37.

On motion of Mr. Johnson, of Spencer, further proceedings under the call was dispensed with.

Mr. Kinley asked that sundry Morgan Raid claims, now in the Committee on Expenditures, be referred to the Committee on Claims.

Which was agreed to.

On motion of Mr. Hamilton, the Senate adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Morgan moved that the order of business be suspended, and that House bill No. 78 be taken up.

Which was agreed to.

Engrossed House bill No. 78. A bill to amend an act entitled, An act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, repealing all laws inconsistent herewith, and declaring an emergency,

Was read a first time.

Mr. Robinson, of Madison, moved that the rules be suspended, and that the bill be read a second time.

The ayes and noes were taken, under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Hadley, Hamilton, Henderson, Hess, Howk, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Taggart, Turner, Wolcott and Wood—34.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second time.

Mr. Carson moved to refer House bill No. 78, to the Committee on Fees and Salaries, with the following instructions :

To inquire into the expediency of amending, by inserting the following section :

Sec. —. Whenever the fees, salaries and emoluments of any officer provided for in the foregoing provisions, shall exceed three thousand dollars, exclusive of actual necessary clerk hire, to be determined by the Board of Commissioners, the same shall be paid into the county treasury, to constitute a part of the county revenue.

Which was agreed to.

By unanimous consent of the Senate, Mr. Montgomery submitted the following report :

The committee to whom was referred the several propositions relative to the purchase or building of a residence for the Executive of the State, have had the same under consideration, and respectfully report, that they have given the consideration to the several propositions, which their importance demands ; and first, they considered the proposition to build the mansion on the grounds attached to the Asylum for the Blind.

The committee are decidedly of the opinion, that while a portion of said grounds are not now used, and are not necessary for the use of the institution, it is apparent that from the growth of the population, the time is not far distant when all these grounds, and probably more, will be indispensable to meet the increased demands upon that Asylum.

It would be bad economy to occupy any portion of these grounds now belonging to the Asylum, which are adjacent to it, and therefore most convenient for any future extension that may be needed, and in a few years be compelled to purchase the additional grounds, at a price greatly enhanced by the future growth of the city.

In addition, they are of the opinion that the residence offered by L. W. Hasselman, can be purchased at a price not exceeding—including the beautiful and ample lot on which it is situated—what a new building, equal to it in extent, and material, and finish, would cost.

They have concluded, after a thorough examination of the premises, that the last mentioned building is constructed of the best materials, and in the best manner. That it is of convenient and suitable style, and is well adapted for the purpose of an Executive residence.

Mr. Hasselman's building alone cost over \$58,000, at a time when material and labor were lower than at present, and could not now be built for that sum.

The lot is one of the most eligible and valuable for a residence in the city; has a front of one hundred and one feet on Meridian street, and one hundred and ninety-five feet on Vermont street, and is worth from \$18,000 to \$20,000.

We are of opinion that the building with the lot, is fairly worth about eighty or eighty-five thousand dollars.

As the result of a personal interview with Mr. Hasselman, the price of \$70,000 has been fixed upon the property, and Mr. Hasselman agrees to convey it to the State for that sum.

The committee therefore recommend its purchase, and in accordance herewith, report the accompanying bill, and recommend its passage.

An act to authorize the purchase of a residence for the Executive of the State, and appropriating Seventy thousand dollars for the purpose of paying therefor.

Mr. Johnson of Montgomery, by unanimous consent of the Sen-

ate, submitted the following communications upon the subject of a Gubernatorial mansion.

To the Honorable, the Senators and Representatives of the State of Indiana :

We, the undersigned, agree to duplicate on the grounds now owned by the State north of the Blind Asylum, the dwelling and improvements offered you by L. W. Hasselman, Esq., for a Governor's Mansion, for the sum of Forty-two thousand five hundred dollars, (\$42,500.)

J. H. BALDWIN,
FRANKLIN LANDERS,
A. RAFERT.

INDIANAPOLIS, April, 1869.

INDIANAPOLIS, April 30, 1869.

To the Honorable, the Senators and Representatives of the State of Indiana :

We, the undersigned, agree to duplicate on the grounds now owned by the State, north of the Blind Asylum, the dwelling and improvements known as the Walpole property on Meridian street, for a Governor's Mansion, for the sum of twenty-three thousand dollars, (\$23,000.)

J. H. BALDWIN,
FRANKLIN LANDERS,
A. RAFERT.

On motion of Mr. Robinson of Madison, the report, accompanying bill, and propositions, were laid upon the table.

The question pending under the special order, at adjournment, being the motion to strike out the first section of Senate bill No. 120.

Messrs. Carson and Johnson of Montgomery, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Cravens Elliott, Fosdick, Hadley, Hamilton, Hanna, Henderson, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Morgan, Reynolds, Robinson of Madison, Scott, Turner and Wolcott—29.

Those who voted in the negative were,

Messrs. Fisher, Gifford, Gray, Hess, Montgomery, Sherrod, Smith, Taggart and Wood—9.

So the first section was stricken out.

Mr. Bradley offered the following amendments :

Add the following section after section nineteen.

SEC. —. That all laws and parts of laws inconsistent with this act be, and the same are hereby repealed.

Amend the sixteenth section as follows :

Strike out the the third line and fourth line up to, and including the word convicted, and insert the following :

May be indicted for such escape, and upon conviction thereof, may be adjudged to be imprisoned for such additional term as the court or jury trying the same, may determine.

Which was adopted.

Mr. Carson moved to amend section nine by inserting after the word the, on second line of said section, the word habitual.

Which was agreed to.

Mr. Gray offered the following amendment :

Provided, That neither said Warden or Commissioners, shall hire or contract the convict labor of the Prisons at less than sixty-five cents per day for each convict.

Messrs. Gray and Wolcott demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Church, Fosdick, Gray, Hadley, Hanna, Henderson, Hooper, Howk, Huey, Humphreys, Johnson of Montgomery, Lee, Scott, Wolcott and Wood—17.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Caven, Cravens, Elliott, Fisher, Gifford, Hamilton, Hess, Hooper, Jaquess, Kinley, Montgomery, Morgan, Reynolds, Robinson of Madison, Smith, Stein and Taggart—20.

So the amendment was not agreed to.

Mr. Hanna offered the following amendment :

Provided, That no more than eight hours shall be exacted from a convict for a days work.

Mr. Kinley moved to amend the amendment by striking out the word eight, and inserting the word ten.

Which was agreed to.

The amendment as amended was adopted.

Mr. Johnson of Montgomery, offered the following amendment :

Amend section eleven by striking out of the second line, the words of coarse, and adults.

Which was adopted.

The bill was then read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bradley, Carson, Caven, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Kinley, Montgomery, Morgan, Robinson of Madison, Smith, Stein, Taggart, Turner and Wolcott—29.

Those who voted in the negative were,

Messrs. Hadley, Jaquess, Johnson of Montgomery, Lee, Reynolds, Scott, Sherrod and Wood—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 104. A bill to amend section 397 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852. Also,

House bill No. 186. A bill providing for proceedings supplementary to execution in courts of justices of the peace. Also,

House bill No. 388. A bill to authorize the President of the State Board of Agriculture to fill vacancies in the office of Secretary, Treasurer or Superintendent of the State Board of Agriculture, and declaring an emergency.

In all of which the concurrence of the Senate is respectfully requested.

And further, that the House has passed the following Senate bills, to-wit:

Senate bill No. 83. A bill to amend section 2 of an act entitled "An act making the register of sales of Michigan Road lands, and certified copies of entries therein, evidence, and declaring the effect thereof, and making the records, patents and certificates of purchase

and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof;" approved March 9, 1859. Also,

Senate bill No. 84. A bill to repeal section 31 of an act entitled "An act concerning real property, and the alienation thereof;" approved May 6, 1852. Also,

Senate bill No. 338. A bill defining what counties shall constitute the Tenth Judicial Circuit, and fixing the times of holding the courts therein.

And the same are herewith returned to the Senate.

And further, that the House has concurred in the engrossed amendments of the Senate to House bill No. 132.

The President pro tem., laid before the Senate the following message from the Governor, with accompanying communication in reference to the location of the Agricultural College.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 30, 1869. }

MR. PRESIDENT:

By direction of the Governor, I have the honor to submit herewith his message transmitting a proposition from the Board of Commissioners of Marion county in relation to the Agricultural College.

JNO. M. COMMONS, *Private Secretary.*

EXECUTIVE CHAMBER, }
INDIANAPOLIS, April 30, 1869. }

Gentlemen of the Senate and House of Representatives :

I herewith respectfully transmit for your consideration a communication from the Board of Commissioners of Marion county, Indiana, proposing to donate the sum of seventy-five thousand dollars, in addition to the sum of one hundred thousand dollars heretofore offered by them for the use of the Agricultural College.

CONRAD BAKER.

To his Excellency, Conrad Baker, Governor of Indiana :

The Board of County Commissioners of Marion County, State of Indiana, desire through you to propose to the Senate and House of Representatives a donation of the sum of seventy-five thousand dollars, in addition to the sum of one hundred thousand dollars heretofore offered by them, for the use of the State Agricultural College, provided the same be located in Marion county; said amount to be paid with county bonds, payable the one-half in ten and the one half in twenty years from the date thereof, and bearing six per cent. interest per annum.

INDIANAPOLIS, April 30, 1869.

Which were referred to the Joint Committee on Education and Agriculture.

On motion by Mr. Fisher,

Engrossed House bill No. 388. A bill to authorize the President of the State Board of Agriculture to fill vacancies in the office of Secretary, Treasurer or Superintendent of the State Board of Agriculture, and declaring an emergency,

Was taken up and read a first time.

Mr. Fisher moved that the rules be suspended, and that the bill be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Scott, Smith, Stein, Taggart, Tarner, Wolcott and Wood—38.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Taggart, Turner and Wolcott—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate, Mr. Hanna submitted the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred House bill No. 322, entitled A bill to enable railroad companies which have framed articles of association, naming the place from and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character, and privileges of the same, having had the same under consideration, recommend its passage with the following amendments: Add to section 3 the words—*Provided*, that a consolidation, either temporary or permanent, effected under the 1st section of this act, with any railroad company whose bridges, or any of them, may be jointly used or occupied, or where a right by law exists to so use and occupy by any other company, shall not in any manner affect the rights therein vested or secured by any act heretofore passed upon that subject. Also, in the last line of section 4, insert the word “general” between the words “and” and “law;” and add after the word “State,” in the last line of said section, “not inconsistent with the provisions of this act.”

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the

Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 294. A bill for the relief of the heirs of Patrick Donovan, deceased.

In which the concurrence of the Senate is respectfully requested.

Mr. Carson moved that the rules be suspended to enable him to offer the following resolution.

Which was agreed to.

Resolved, That when the Senate adjourn, it will be until Monday next, at 2 o'clock, P. M.

The ayes and noes were demanded by Messrs. Bellamy and Carson.

The question being on the adoption of the resolution of Mr. Carson,

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bradley, Carson, Church, Gifford, Hadley, Hamilton, Hawk, Huey, Lee, Scott and Smith—13.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Caven, Elliott, Fisher, Fosdick, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Montgomery, Morgan, Reynolds, Robinson of Madison, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—24.

So the resolution was not adopted.

By unanimous consent of the Senate, Mr. Taggart offered the following resolution :

Resolved, That when the Senate adjourns it adjourn till Monday, 10 o'clock, A. M.

The question being upon the adoption of the resolution,

The ayes and noes were demanded by Messrs. Turner and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bradley, Carson, Church, Cravens, Gray, Hadley, Hamilton, Howk, Huey, Lee, Montgomery, Robinson of Madison, Scott, Sherrod, Smith, Stein, Taggart and Wolcott—20.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Caven, Elliott, Fisher, Fosdick, Gifford, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Morgan, Reynolds, Turner and Wood—20.

There being a tie vote the resolution was not adopted.

On motion of Mr. Stein, the order of business was suspended for the purpose of submitting the following report:

MR. PRESIDENT:

The Committee on Education and Agriculture, constituting jointly the Committee on the Agricultural College, to whom was referred Senate bill No. 156, have had the same under consideration, and have instructed me to recommend that it be amended by striking out all after the enacting clause and inserting the accompanying bill; being so amended they recommend its passage.

A bill accepting certain donations from John Purdue and others, and locating and naming the college contemplated by the Act of Congress approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency.

Mr. Caven moved to recommit Senate bill No. 156 and the amendments thereto reported by the committee to the Joint Committee on Education and Agriculture.

Mr. Carson moved to lay Mr. Caven's motion to recommit on the table.

The ayes and noes were demanded by Messrs. Gray and Caven.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Carson, Church, Fisher, Fosdick, Hamilton, Hanna, Hooper, Howk, Huey, Johnson of Montgomery, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—23.

Those who voted in the negative were,

Messrs. Andrews, Bellamy, Caven, Elliott, Gifford, Gray, Hadley, Henderson, Hess, Humphreys, Jaquess, Kinley, Lee, Montgomery and Morgan—15.

So the motion to lay the motion to recommit upon the table prevailed.

The report was then concurred in, the bill was read a second time, and the amendments reported by the committee were adopted.

Mr. Hanna offered the following resolution :

Resolved, That the bill be made the special order for Tuesday next at 10 o'clock, A. M., and that 100 copies be printed, and also that the Secretary prepare an abstract of the propositions from Tippecanoe and Marion counties.

Which was adopted.

Mr. Fisher moved to reconsider the vote on Mr. Carson's resolution to adjourn until Monday next at 2 o'clock.

Which was agreed to.

Mr. Carson offered the following resolution :

Resolved, That when the Senate adjourn, it adjourn until Monday, at 2 o'clock, P. M.

Which was adopted.

Mr. Hanna moved to suspend the order of business and take up House bill No. 322.

Which was agreed to.

S. J. Ex. S.—17.

Engrossed House bill No. 322. A bill to enable railroad companies, which have framed articles of association, naming the place from and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same.

Was read a second time.

The amendments reported by the committee were adopted.

Mr. Morgan moved to suspend the rules, and that the bill be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Caven, Church, Elliott, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Hendersson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Montgomery, Morgan, Reynolds, Robinson of Madison, Sherrod, Smith, Stein, Taggart, Wolcott and Wood—35.

Mr. Scott voting in the negative.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bradley, Carson, Caven, Church, Elliott, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Howk, Huey, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Robinson of Madison, Sherrod, Stein, Taggart and Wolcott—30.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Fisher, Gifford, Scott and Smith—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Morgan asked and obtained leave of absence, until Wednesday next.

Mr. Gray asked and obtained leave of absence until Monday next.

Mr. Robinson, of Madison, asked and obtained leave of absence for Mr. Lee.

Mr. Wolcott asked and obtained leave of absence, until Thursday next.

Mr. Smith asked and obtained leave of absence.

Mr. Carson asked and obtained leave of absence for one week.

Mr. Morgan moved to suspend the order of business, and take up

Engrossed House bill No. 170. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in this State.

Which was agreed to.

The bill was read a first time.

Mr. Sherrod moved the bill lie on the table, and that one hundred copies be printed, for the use of the Senate.

Which was agreed to.

On motion by Mr. Church, the Senate adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, }
 May 3, 1869. }

The Senate met.

The Journal was being read, when,

On motion by Mr. Robinson, of Madison, the further reading thereof was dispensed with.

By unanimous consent of the Senate, Mr. Bradley introduced

Senate bill No. 347. A bill to organize and establish Criminal Courts, in and for the counties of Laporte and St. Joseph, to provide for the election and compensation of Judges and Prosecuting Attorneys therefor, to define the jurisdiction of said Courts, and to provide for a transfer of actions and business thereto.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the Senate amendments to House bill No. 64.

By unanimous consent of the Senate, Mr. Green introduced

Senate bill No. 348. A bill making provision for the citizens of any town, when the plat of the town has been recorded, containing a public donation or grant of a block, public square, or lot of ground for the public use, without any particular public object specified on said plat, may make application to the Board doing county business, to dedicate the same for school purposes, on petition and notice thereof.

Which was read a first time, and passed to a second reading on to-morrow.

REPORTS FROM STANDING COMMITTEES.

Mr. Caven, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

Your Judiciary Committee to whom was referred House bill No. 100, entitled a bill to amend the tenth section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases report, that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Hooper, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate bill No. 333 entitled, a bill to repeal so much of section forty-five of an act to amend sections 39, 42, 45 and 54 of an act entitled, an act for the incorporation of insurance companies, and defining their powers, approved June 17, 1852, approved December 20, 1865, so as to forbid said insurance companies from taking promissory notes for the cash premiums, have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Scott, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred Senate bill No. 334, introduced by Senator Caven entitled, An act creating a lien on horses and other animals, for the benefit of persons to whom

any animal has been intrusted for boarding, lodging and other attention, and defining the manner in which such lien shall be enforced, report, that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which report was concurred in.

Mr. Montgomery, from the Committee on Claims, made the following report :

MR. PRESIDENT :

Your Committee on Claims, to whom was referred the claim of James Morrison, in the year 1857, by Morrison & Ray, in a suit in the Marion Circuit Court, brought by the heirs at law of John Jamison against the Trustees of the Indiana Institute for the Education of the Blind, having had the same under consideration during the regular session, and decided that the claim ought not to be allowed, failed to report upon said claim up to this time, and have again, at this special session, had the same under consideration, and have directed me to report, that in the opinion of the Committee, the claim ought not to be allowed, and recommend that the same lie on the table.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 95. A bill for the relief of John Ingle and John Ingle, jr. Also,

House bill No. 158. A bill to amend Section 23 of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana," etc., approved June 21, 1862.

In which the concurrence of the Senate is respectfully requested.

Mr. Fosdick, from the Committee on Fees and Salaries, made the following report :

MR. PRESIDENT :

Your Committee on Fees and Salaries, to whom was referred House bill No. 73, have had the same under consideration, and recommend the following amendments: Strike out all of section 1 after "1855," in line 7 on page 1, to and including line 7 on page 5. Strike out "summons" in line 12 on page 5. Immediately following line 12 on page 5, insert "For each writ of attachment against property, 50 cents; for each summons, 25 cents." Strike out lines 7 and 8 on page 8. After the adoption of the foregoing amendments the Committee recommend the passage of the bill.

Which report was concurred in and the amendments adopted.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate enrolled act No. 338, and the same is herewith returned to the Senate. Also, that the House has concurred in the Senate amendments to House bill No. 322.

Mr. Caven, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

Your Committee on the Judiciary, to whom was referred Senate bill No. 322, introduced by Senator Wood, entitled An act regulating docket fees of prosecuting attorneys of circuit courts, and regulating prosecuting attorneys' fees for prosecution on forfeited recognizances, report that they have had the same under consideration, and upon the adoption of the accompanying amendment respectfully recommend the passage of said bill: Amend by adding to the 2d section the following proviso: Provided, however, that the State shall pay no fees to said prosecuting attorney.

Which report was concurred in and the amendment adopted.

By unanimous consent of the Senate, Mr. Kinley presented the memorial of the Indianapolis Board of Managers of the House for Friendless Women, in behalf of the Indiana Reformatory Institution for Women and Girls.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

By unanimous consent of the Senate, Mr. Caven presented the claim of Wm. and J. Braden.

Which was referred to the Committee on Claims.

RESOLUTIONS.

Mr. Robinson of Madison offered the following resolution :

Resolved, That the State Librarian furnish the Senate with fourteen copies more of the Journal of the Regular Session of 1869, or the use of the employees of the Secretary and Assistant Secretary.

Which was adopted.

On motion by Mr. Johnson of Montgomery,

Engrossed House bill No. 147, A bill to provide for the care of certain idiots,

Which was read a second time, and passed to a third reading on to-morrow.

BILLS INTRODUCED.

Mr. Caven introduced

Senate bill No. 349. An act locating and providing for the management and control of the Indiana Industrial College, and accepting certain propositions in consideration of such location, and authorizing the issue of arms by the State to said College; and also empowering the commissioners of Marion county to issue bonds of said county in execution of the terms of a proposition of said county to donate bonds to said College.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hooper introduced

Senate bill No. 350. A bill to authorize the Clerk of the Supreme Court of the State of Indiana to have the papers on file in his office, and the books and records of said office indexed, allowing a compensation therefor, and declaring an emergency.

Which was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed the following enrolled acts of the House, to-wit :

House enrolled act No. 132. An act to enable cities to aid in the construction of railroads, hydraulic companies and water powers, and declaring an emergency. Also,

House enrolled act No. 388. An act to authorize the President of the State Board of Agriculture to fill vacancies in the office of Secretary, Treasurer or Superintendent of the State Board of Agriculture, and declaring an emergency.

And the same are herewith transmitted for the signature of the President of the Senate.

Mr. Kinley introduced

Senate bill No. 351. A bill to legalize certain proceedings of the Wayne Criminal Circuit Court.

Which was read a first time.

Mr. Kinley moved that the rules be suspended, and the bill be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson,

Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Stein, Taggart and Turner—36.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Stein, Taggart and Turner—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Bradley moved that the rules be suspended, and Senate bill No. 347 be read a second time.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Stein, Taggart and Turner—35.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time,

and, on motion of Mr. Bradley, referred to a special committee, which the President made to consist of Messrs. Bradley, Reynolds and Scott.

Mr. Green moved that the rules be suspended and Senate bill No. 348 be taken up and read a second time.

A bill making provision for the citizens of any town, where the plat of the town has been recorded containing a public donation or grant of a block, public square or lot of ground for the public use, without any particular public object specified on said plat, may make application to the board doing county business to dedicate the same for school purposes, on petition and notice thereof.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Stein, Taggart and Turner—34.

Mr. Sherrod voting in the negative.

So the rules were suspended and the bill was read a second time and referred to a special committee, which the President made to consist of Messrs. Green, Cravens and Gifford.

Mr. Hadley moved to take up Senate bill No. 323.

A bill to legalize the solemnization of marriages, taking and certifying acknowledgments of deeds, mortgages, and other instruments, and all other acts which by law are authorized to be done and performed by justices of the peace, solemnized, taken and certified to, and done and performed by Enion Singer, a justice of the peace within and for Center township, Hendricks county, Indiana, after the expiration of his commission of justice of the peace, which expired on the 26th day of December, 1868.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Stein, Taggart and Turner—33.

Those who voted in the negative were,

Messrs. Bird, Carson and Sherrod—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 194. A bill to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and Officers of State.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy Bird, Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Stein and Taggart—33.

Senator Denbo voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 199. An act to amend sections one and three of an act entitled "An act to repeal all general laws now in force

for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as may properly pertain thereto.

Was read a third time, and on motion of Mr. Robinson of Madison, was laid on the table.

Senate bill No. 200. An act to legalize the tax assessments for the year 1868, in certain incorporated cities.

Was taken up, and on motion of Mr. Robinson of Madison, laid on the table.

Engrossed Senate bill No. 201. A bill to revise and amend an act entitled "An act to amend section five of an act entitled 'An act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, approved June 1, 1852, and providing for Criminal and Civil Circuit Courts,' " approved March 8, 1867.

Was read a third time, and on motion of Mr. Bellamy, laid on the table.

Engrossed Senate bill No. 205. A bill to revise and amend the seventy-ninth section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Carson, Church, Cravens, Denbo, Fisher, Fosdick Gifford, Green, Hanna, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Laselle, Lee, Montgomery, Rice, Scott, Stein, Taggart and Turner—26.

Those who voted in the negative were,

Messrs. Bird, Caven, Elliott, Hadley, Hamilton, Henderson, Reynolds, Robinson of Madison and Sherrod—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 210. A bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the franchises of the Judiciary in the punishment of real or pretended offences.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Stein, Taggart and Turner—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 216. A bill making appropriation for the publishing of the reports of the State Board of Agriculture.

Was read a third time, and on motion of Mr. Fisher, laid on the table.

Engrossed Senate bill No. 218. A bill for the better regulation of traffic on railroads, and to facilitate trade and intercourse thereon.

Was read a third time, and on motion of Mr. Bird, indefinitely postponed.

Engrossed Senate bill No. 224. An act legalizing the use of a seal purporting to be seal of the Adjutant General's Office, and providing for an official seal for said office.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Kinley, Rice, Reynolds, Robinson of Madison, Scott, Stein and Turner—22.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Humphreys, Johnson of Montgomery, Laselle, Montgomery and Sherrod—12.

So the bill failed to pass, for want of a constitutional majority.

Engrossed Senate bill No. 225. A bill changing the name of the State Board of Agriculture.

Was read a third time, and on motion of Mr. Kinley, laid on the table.

Engrossed Senate bill No. 251. A bill to amend section one of an act entitled "An act to authorize Township Trustees of incorporated towns, and the Common Council of cities, to levy a tax for school purposes," approved March 9, 1867, adding a section and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Green, Hamilton, Hess, Hooper, Jaquess, Kinley, Laselle, Rice, Reynolds, Robinson of Madison, Scott and Stein—21.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hadley, Hanna, Henderson, Humphreys, Johnson of Montgomery, Lee, Sherrod and Turner—13.

So the bill failed to pass, for the want a constitutional majority.

Engrossed Senate bill No. 108. An act to amend section two of an act entitled, an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers, approved March 11, 1867.

Was read a third time.

Mr. Bradley moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Bradley and Carson.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Fisher, Gifford, Johnson of Montgomery, Lasselle and Montgomery—8.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Caven, Church, Cravens, Denbo, Elliott, Fosdick, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Kinley, Lee, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Stein and Turner—27.

So the motion to lay on the table was not agreed to.

Mr. Fisher moved to recommit the bill to the Committee on Elections, with the following instructions :

Amend, by making the bill conform to the late election law, by providing that the County Commissioners shall, at their June session, 1870, and every two years thereafter, appoint two freeholders in each township.

Also, provided that the State Board of Registry meet on the first Monday in August, in 1870, and every two years thereafter.

Which was agreed to.

Engrossed Senate bill No. 130. To revise and correct section six of the plank, macadamized and gravel road law, of 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bradley, Caven, Elliott, Fisher, Hamilton, Hess, Hooper, Jaquess, Kinley, Lasselle, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Sherrod and Stein—20.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Cravens, Denbo, Fosdick, Gifford, Green, Hadley, Hanna, Henderson, Humphreys, Johnson of Montgomery, Lee and Turner—15.

So the bill failed, for the want of a constitutional majority.

By unanimous consent of the Senate, Mr. Hadley submitted the following report, from the committee on enrolled bills:

MR. PRESIDENT:

Your Committee on Enrolled Bills, to whom was referred Senate enrolled act No. 83 entitled, an act to amend section 2 of an act entitled An act making the register of sales of Michigan Road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records and patents and certificate of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records evidence, and declaring the effect thereof, approved March 9, 1859; also, Senate enrolled act No. 84 entitled, an act to repeal section thirty-one of an act entitled, an act concerning real property and the alienation thereof, approved May 6, 1852, have examined the same, and find them neatly and correctly enrolled.

On motion of Mr. Carson, the Senate adjourned.

S. J. Ex. S.—18.

TUESDAY MORNING, 9 o'clock. }
May 4, 1869. }

The Senate met.

Mr. Jaquess moved the reading of the Journal of yesterday be dispensed with.

Which was agreed to.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Caven presented the account of Messrs. Ramsay & Hanning, for gas fixtures to the State House.

Which was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Bradley, from the Committee on Claims, submitted the following report:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred the claim of E. W. Halford, for two hundred and fifty dollars, which is herewith returned, have had the same under consideration, and have instructed me to report, that your committee have found the claim to be just, and, in the opinion of your committee, it ought to be paid, and they respectfully recommend that it be referred to the Committee on finance, with instructions to include the same in the Specific Appropriation bill.

Which report was concurred in.

Mr. Jaquess, from the Committee on Claims, submitted the following report:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred claims as follows, to-wit:

Elihu Lyon.....	\$34 80
Esther Brickly, (Adm'x of And. Brickly,).....	34 00
John M. Vanhorn.....	35 80
Daniel Watson.....	35 00
F. M. Taughinbaugh.....	35 00
Tho's S. Longfellow.....	36 80
Total.....	<u>\$211 40</u>

For services as witnesses before the Committee on Arbitrary Arrests, at the session of the Legislature of 1863, and for traveling to and from Indianapolis, have had the same under consideration, and have directed me to report the same back, and recommend that said claims be allowed, and that they be referred to the Committee on Finance, with instructions to incorporate them in the Specific Appropriation bill.

Which report was concurred in.

Mr. Bradley, from a select committee, made the following report :

MR. PRESIDENT :

Your select committee, to whom was referred Senate bill No. 347, entitled a bill to organize and establish Criminal Courts in and for the counties of Laporte and St. Joseph, to provide for the election and compensation of Judges and Prosecuting Attorneys therefor, to define the jurisdiction of said Courts, and to provide for a transfer of actions and business thereto, have had the same under consideration, and have instructed me to report the same back to the Senate, and respectfully to recommend its passage,

Which report was concurred in.

Mr. Bradley moved to suspend the order of business, and that the bill be read a third time now.

Which was agreed to,

And the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bird, Bradley, Carson, Caven, Church, Cra-
vens, Denbo, Elliott, Fisher, Gifford, Green, Hanna, Henderson,
Huffman, Jaquess, Johnson of Montgomery, Kinley, Lee, Mont-
gomery, Morgan, Rice, Reynolds, Scott, Sherrod and Turner—26.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bellamy, Fosdick, Hadley, Hess,
Hooper, Humphreys, Robinson of Madison, Robinson of Decatur,
and Taggart—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Fisher submitted the following report:

MR. PRESIDENT:

The special committee, to whom was recommitted House bill No. 11, a bill to create the Twenty-first and Twenty-second Judicial Circuits, to fix the time of holding courts therein, to provide for the election of Judges and Prosecuting Attorneys therein, and also to fix the times of holding the spring term of the Court of Common Pleas of Miami county, have had said bill under consideration, and a majority of said committee have authorized me to report the same back, with an amendment, and when so amended, recominend its passage.

Amend, That the counties of Wabash, Miami and Fulton shall constitute the Twenty-second Judicial Circuit; that the Circuit Courts shall be held in said counties as follows, viz:

In the county of Wabash, on the first Mondays of March and September; in the county of Miami, on the second Mondays of April and October; in the county of Fulton, on the third Mondays of May and November. That the courts in the county of Wabash shall sit six weeks; in the county of Miami, four weeks; and in the county of Fulton three weeks, at each term, if the business so long require it.

That the counties of Stark and Pulaski are hereby attached to, and shall form a part of, the Eleventh Judicial Circuit, and the Courts in the Eleventh Circuit shall be held hereafter as follows, viz:

In the county of Carroll, on the second Mondays of February and August; in the county of Stark, on the Monday succeeding the courts in the county of Carroll; in the county of Pulaski, on the Mondays succeeding the courts in the county of Stark; and in the county of Cass, on the Monday succeeding the courts in the county of Pulaski. That the term of courts in said Circuit shall be as follows, to-wit:

In the county of Carroll, three weeks; in the counties of Stark and Pulaski, each one week; and in the county of Cass, so long as the business require it.

All summons, writs, processes or motions that may have been issued or served before the taking effect of this act, in relation to matters pending in any of said courts, are hereby made returnable to the first of the next term of said court, as fixed by this act; and all such motions or recognizances, rules or other proceedings which, at the taking effect of this act, shall be pending in any of said courts, shall be acted upon therein in the same manner, as if this act had been in force at the time of their inception.

Sec. —. That the Governor is hereby directed to appoint a Judge and Prosecuting Attorney for said Twenty-second Judicial Circuit, who shall hold their respective offices until their successors are elected and qualified.

It is hereby declared that an emergency exists for an early taking effect of this act, therefore it shall take effect and be in force from and after the first day of June next.

Also, amend the title of the bill to read as follows, to-wit:

A bill to create the Twenty-second Judicial Circuit, to fix the times of holding courts therein, to attach the counties of Stark and Pulaski to the Eleventh Judicial Circuit, and to fix the times of holding courts in said Eleventh Judicial Circuit.

Which was concurred in.

Mr. Armstrong gave notice of his intention to submit a minority report, upon House bill No. 11.

Mr. Green, from special committee, submitted the following report :

MR. PRESIDENT :

The special committee, to whom Senate bill No. 348 was referred, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which report was concurred in.

On motion of Mr. Green, the order of business was suspended, and

Senate bill No. 348 entitled, "A bill making provision for the citizens of any town, where the plat of the town has been recorded, containing a public donation or grant of a block, public square or lot of ground for the public use, without any particular public object specified on said plat, may make application to the Board doing county business, to dedicate the same for school purposes, on petition and notice thereof,"

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Huffman, Jaquess, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod and Turner—36.

Those who voted in the negative were,

Messrs. Bellamy, Denbo, Hadley and Humphreys—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House, by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed House enrolled act No. 322, an act to enable railroad companies which have formed articles of association, naming the places from and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same.

And the same is herewith transmitted for the signature of the President of the Senate.

Mr. Robinson of Madison, moved that the rules be suspended and House bill No. 160 be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huffman, Humphreys, Jaquess, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Taggart—33.

Those who voted in the negative were,

Messrs. Bird, Denbo, Johnson of Montgomery and Sherrod—4.

So the rules were not suspended.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the accompanying resolution in reference to printing ten thousand copies of the Road Law, for the use of Supervisors.

In which the concurrence of the Senate is respectfully requested.

Mr. Stein, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

Your Committee on the Organization of Courts, to whom was referred House bill No. 341, creating the Twenty-eighth Judicial Circuit, etc., have had the same under consideration, and have instructed me to report the following amendments thereto, viz :

Strike the word Morgan out of the third line, of the first section. Also, strike out of the same section the following sentence:

In the County of Morgan, on the second Monday in May and November in each year.

Strike the word Morgan out of the third line of the second section.

Strike the word Morgan out of the sixth line of the fifth section.

Strike out the whole of the sixth section.

These amendments being adopted, the Committee recommend the passage of the bill.

Mr. Robinson of Decatur, moved to amend the first amendment of the Committee by substituting Shelby for Morgan.

Mr. Bellamy moved to lay the amendments of the Committee, and the amendment to the amendment, on the table.

Which was not agreed to.

The question recurring on the adoption of Mr. Robinson's amendment to the amendment,

The question being on the adoption of the amendments reported by the Committee,

Messrs. Hanna and Henderson, demanded the ayes and noes-

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Morgan, Reynolds, Robinson of Madison, Scott and Stein—32.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bird, Denbo, Gray, Lee, Montgomery, Rice, Robinson of Decatur, Sherrod, Taggart and Turner—12.

So the amendment was adopted.

The amendments reported by the Committee were then concurred in.

Mr. Bellamy moved to strike out the word Bartholomew, wherever it occurs in the bill.

Which was not agreed to.

Mr. Robinson of Decatur, offered the following amendment:

Add the following section:

SEC. —. The Courts in the county of Decatur, in the Fourth Judicial Circuit, shall be held on the third Monday of May and November, and shall continue as long as the business thereof require it.

Which was agreed to.

Mr. Lee moved to amend so that Court may be held five instead of four weeks in Bartholomew county.

Which was agreed to.

On motion of Mr. Henderson, the order of business was suspended, and

Engrossed House bill No. 341, A bill creating the Twenty-eighth Judicial Circuit, fixing the time of holding courts therein, declaring

a vacancy in the office of judge and prosecuting attorney therein, providing for the election of the same, providing for a transfer of action and return of process thereto, and declaring an emergency,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Huey, Huffman, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Stein, Taggart and Turner—35.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bird, Hamilton, Hooper, Robinson of Decatur and Sherrod—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Robinson of Decatur offered the following amendment to the title of the bill:

“And to fix the times of holding courts in the county of Decatur in the Fourth Judicial Circuit.”

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate enrolled act No. 83, An act to amend section 2 of an act entitled “An act making the register of sales of Michigan Road lands, and certified copies of entries therein, evidence, and declaring the effect thereof, and making the records, patents, and certificates of purchase, and other evidence in writing of the sale of real estate, and certified

copies of such records, evidence, and declaring the effect thereof;" approved March 9, 1859. Also,

Senate enrolled act No. 84. An act to repeal section 31 of an act entitled "An act concerning real property, and the alienation thereof;" approved May 6, 1852.

And the same are herewith returned to the Senate.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 62.

SPECIAL ORDER FOR THE HOUR.

The hour having arrived for the consideration of Senate bill No. 156, A bill accepting certain donations from John Purdue and others, and locating and naming the college contemplated by the act of Congress, approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency.

Was taken up.

Mr. Hanna moved to recommit the bill with the following instructions :

Strike out from the enacting clause and insert the following as a substitute :

That the fund arising from the donation of lands by Congress for the establishment of an Agricultural College, and the interest arising therefrom, are for the present hereby placed under the control of the Board of Trustees of the Indiana State University, and it is made their duty so long as they control said fund, to establish and maintain in said University a Department of Agriculture, in which all the arts and sciences contemplated by said act of Congress shall be taught, which Department shall be sustained by the

interest arising from said fund: *Provided*, that the Board of Commissioners of the county of Monroe shall secure to the satisfaction of said Board of Trustees, the sum of fifty thousand dollars, offered by them in behalf of said county for the location of said Institution at Bloomington: *And provided further*, that the sum of \$8,000 per annum, by Act of 1867 donated to said University, shall not be paid to the same by the State authorities after the year 1871, but the law making such appropriation shall from that time cease to have validity.

Mr. Stein moved to lay the motion to recommit on the table.

The ayes and noes were demanded by Messrs. Bellamy and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Case, Caven, Church, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein and Turner—27.

Those who voted in the negative were,

Messrs. Bird, Cravens, Fisher, Hanna, Humphreys, Montgomery, Morgan, Rice and Taggart—10.

So the motion to recommit was laid upon the table.

Pending the call of the roll upon agreeing to the motion to recommit,

Mr. Rice moved a call of the Senate.

The Secretary proceeded with the call.

Those who answered to their names were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Humphreys, Jaquess, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Sherrod, Taggart and Turner—39.

On motion of Mr. Stein, further proceedings under the call were dispensed with.

Mr. Stein offered the following guarantee from sundry citizens of Tippecanoe county in reference to the payment of certain donations to the Agricultural College, in the event of its being located in said county, to-wit:

In consideration that the Legislature of the State of Indiana will locate the Agricultural College or University in Tippecanoe county, we hereby guarantee to the State that the Board of County Commissioners of Tippecanoe county will make good the county subscription or donation of fifty thousand dollars to the said College or University.

H. W. Chase,	M. L. Pierce,	H. T. Sample,
James Spears,	John Purdue,	John Levering,
T. P. Emerson,	Fred. Geiger,	Robert Morey,
O. K. Weakley,	Wm. F. Reynolds,	R. W. Opp,
R. M. O. Ferrall,	J. G. Sample,	J. A. Stein.

Dated May 1, 1869.

Which was read, and ordered to accompany the original propositions.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 341.

On motion by Mr. Church, the Senate adjourned.

TUESDAY, 2 O'CLOCK, P. M.

The Senate met.

By unanimous consent of the Senate, Mr. Sherrod offered the following concurrent resolution:

Resolved, The House of Representatives concurring, that the Senate will adjourn Monday, the 10th inst., without a day.

Mr. Johnson of Montgomery offered the following as a substitute:

WHEREAS, The Governor did, by proclamation, call the General Assembly of the State of Indiana to meet on the 8th day of April last, for making the necessary appropriations for the purpose of carrying on the State Government and the institutions belonging to the State ;

AND WHEREAS, The bills making said appropriations have all been passed except the Specific Appropriation Bill, and there being sufficient time for the passage of said bill before the time fixed by this resolution for the adjournment, be it therefore

Resolved, That the Senate will, the House concurring therein, adjourn *sine die* on Monday, May 10, at 10 o'clock, A. M.

Mr. Carson moved to lay the substitute upon the table.

Which was agreed to.

The question recurring upon the adoption of the concurrent resolution,

Mr. Bellamy moved that it lie on the table.

The ayes and noes were demanded by Messrs. Johnson of Montgomery and Hanna.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Denbo, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Huffman, Humphreys, Jaquess, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Stein, Taggart and Turner—30.

Those who voted in the negative were,

Messrs. Andrews, Bird, Church, Cravens, Gifford, Hooper, Johnson of Montgomery, Lee, Scott and Sherrod—9.

So the motion to lay on the table was agreed to.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 79. A bill to provide for the erection and repair of bridges, and to repeal all laws inconsistent therewith. Also,

House bill No. 168. A bill for the encouragement of the destruction of foxes and wild cats. Also,

House bill No. 213. A bill prescribing the duties of county auditors in relation to canceled county orders, and statements of property listed by appraisers and assessors.

In all of which the concurrence of the Senate is respectfully requested.

By unanimous consent of the Senate, Mr. Hadley, from a special committee, made the following report :

MR. PRESIDENT :

Your committee, appointed to act with a similar committee of the House, to visit and examine the National Home for Disabled Soldiers, at Dayton, Ohio, have proceeded to the discharge of their duties, and beg leave to submit the following report thereon :

We found the National Home most beautifully and eligibly located three miles west of the city of Dayton, on a tract of more than five hundred acres of land. The Institution is yet in its infancy, having been located but eighteen months ago, and is far from being complete in its parts, but your committee are unanimously of the opinion that its plan has been conceived in wisdom and humanity, and when the design is fully executed, which is rapidly progressing, it will want but few qualities essential to the happiness and comfort of our disabled soldiers. There are three such Homes provided by the Government—a second at Augusta, Maine, and a third at Milwaukee, Wisconsin—of which the one at Dayton is by far the most important. Our best information is that

there are less than one hundred soldiers in each of the Homes at Augusta and Milwaukee, while the names of more than eleven hundred appear upon the rolls at Dayton. The three institutions are under one and the same management, conducted upon the same principle, and out of the same fund, are equally inviting in appearance, and any disabled volunteer soldier in the United States is admissable into either. So it is hard to account for the concentration at Dayton, if it is not in the fact of the superior mildness of the climate.

These institutions are supported out of a fund accumulated from the fines and forfeitures and unclaimed pay and bounty of soldiers, and there still remains, as best ascertained, about five million dollars, which is being constantly augmented.

The law creating these Institutions, as strictly construed, would exclude from their benefits all seamen and soldiers of the war of 1812 and 1846 and 1847, as well as those enlisted into the regular army during the late war, but the officers of the Home at Dayton construe the law with such generous liberality, that any worthy subject of either of these classes will be admitted into their Home.

The government of the Home, at Dayton, in the opinion of your committee, is as mild as it is possible to be, to preserve order. Perfect liberty does not prevail, but it is not more restricted than must be necessary to secure peace and good behavior among so many men and so many natures.

In comparing our Knightstown Home with the Dayton Home, the one has not much to lose or gain by the other. The Dayton Home is more comprehensive, and more permanently located, and possesses many more short-lived attractions, reading rooms, etc., but it has the disadvantages of a restricted liberty, and the association of forty or fifty men, from different States, with incompatible natures, in the same room. Liberty and companionable associates, two things which enter so largely into making up a happy life, are prominent features in our Knightstown Home. There are but from two to six soldiers in a room, all from the same State, with a common interest and a common pride, and these go where and when they please, and return when they please; conforming only, the while, to the rules of the Institution.

There is room enough in either of the National Homes to accommodate all the soldiers and seamen in our Home, but aside from all other questions, your committee, after a careful examination, have reached the conclusion, that it is not within the legitimate power of the Legislature to abolish "The Soldiers' and Seamen's Home," at Knightstown.

In 1865 and '66 a voluntary association of persons, solicited by contributions, from all parts of the State, a fund of \$15,000, out of which they purchased the Knightstown property, except the improvements that have since been made by the State, vesting the title to the same in James M. Ray, William Hannaman and Conrad Baker, "in trust for the use and benefit of the Indiana Soldiers' and Seamen's Home Association," until the Association should be regularly incorporated. Then, on the 27th day of August, 1867, James M. Ray, William Hannaman and Conrad Baker, in pursuance of said trust, conveyed the property in fee to the Trustees of the Indiana Soldiers' and Seamen's Home. From these facts, it seems clearly in violation of the Constitution for the Legislature to direct the trust or give it any direction, or throw around it any restriction that was not intended by the grantors. While, therefore, your committee are of the opinion that the Home for Soldiers and Seamen should not be abruptly abolished, we do believe that, by proper encouragement from the officers of the Home, (which we are assured will be cheerfully rendered,) this result will be practically attained, and we hereby recommend the passage of a joint resolution instructing the officers of our Home to use all mild and honorable, but voluntary means, to influence the soldiers and seamen to go into the National Home, that their places may be filled with soldiers' and seamen's orphans, now languishing in county poor houses. We all agree that the Home for Orphans should be continued and encouraged. Most States of the Union have recognized their obligation to take care of their friendless orphans, and we think it would be to the interest and honor of the State to extend a guardian care over all friendless children; but the orphans of soldiers and seamen, deserving a preferred protection and sympathy, we recommend that the benefits of the Home be confined to them only, because we believe it would be impolitic to burthen the State at this time in making provision for all. This preferred class is as large as we can accommodate at Knightstown without addi-

tional buildings. The apartments now assigned them are crowded to their utmost capacity, and there are eighty additional applications now on file, twenty or thirty of which are from county asylums. But if the building now occupied by the soldiers can be vacated, then one hundred and fifty more children can be received, which it is thought will about meet the wants of this class. If, then, the Home for Orphans at Knightstown is to be continued, there seems to arise an imperative necessity for making more liberal provisions. Under existing laws but \$1 50 per week for each inmate is allowed, including subsistence, clothing, fuel, school books, salaries of teachers and all other subordinate employees, and repairs. And it is thought that the Institution cannot possibly be conducted another year upon this allowance. The State of Iowa is supporting 833 soldiers' orphans at an expense to the State of more than \$80,000 per annum. Pennsylvania is supporting and educating 3,431 soldiers' orphans, at an expense to the State of \$2 65 per week for each inmate. Michigan is taking care of and educating her soldiers' orphans at an expense of \$3 50 per week for each inmate.

Your committee, therefore, to secure an honorable and respectable support of the Institution, as well as to empower the Trustees to indenture the children as fast as good opportunities offer, would respectfully recommend the passage of Senate bill No. 240, which contains the necessary provisions. All of which is respectfully submitted.

JOHN V. HADLEY,
A. Y. HOOPER,
CHARLES B. LASSELLE.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 161, A bill to provide for the organization of savings banks, and the safe and proper management of their affairs, with the accompanying engrossed amendments of the House.

In which the concurrence of the Senate is respectfully requested.

Mr. Stein moved that Senate bill No. 156 be read a third time.

Which was agreed to.

Mr. Stein moved the previous question, which was seconded by the Senate.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Hadley, Hamilton, Hanna, Henderson, Hooper, Huey, Huffman, Johnson of Montgomery, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart and Turner—32.

Those who voted in the negative were,

Messrs. Bellamy, Caven, Elliott, Green, Hess, Humphreys, Jaquess, Kinley, Lee, and Morgan—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Cravens, bills on third reading were taken up.

By unanimous consent of the Senate, Mr. Green submitted the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred House bill No. 160, A bill to legalize the official acts of the several boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all other officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it do pass.

Which report was concurred in.

Engrossed Senate bill No. 189. An act to amend section 18 of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Green, Hamilton, Hess, Hooper, Jaquess, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—22.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Elliott, Gifford, Hanna, Henderson, Huffman, Humphreys, Johnson of Montgomery, Morgan, Taggart and Turner—14.

So the bill failed for want of a constitutional majority.

Engrossed Senate bill No. 202. A bill to authorize railroad companies to sell, lease, or otherwise dispose of, and to contract for the use of their roads, franchises and property, or any part thereof, and authorizing railroad companies to aid other railroad companies in the construction and equipment of their roads.

Was read a third time.

By unanimous consent of the Senate, the proviso to the 5th section of the bill was stricken out.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hamilton, Hess, Hooper, Jaquess, Johnson of Montgomery,

Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—27.

Those who voted in the negative were,

Messrs. Bird, Denbo, Fosdick, Huffman, Humphreys, Lee, Morgan, Taggart and Turner—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 203. An act to amend an act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same;” approved March 3, 1865, and extending the provision of the said act to other railroad companies.

Was read a third time.

By the unanimous consent of the Senate, the words “or under any other laws of this State,” were stricken out of the bill.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hess, Hooper, Jaquess, Johnson of Montgomery, Kinley, Lee, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—27.

Those who voted in the negative were,

Messrs. Bradley, Carson, Denbo, Hanna, Huffman, Humphreys, Morgan and Taggart—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 253 entitled, "A bill to enable the several Criminal Circuit Courts of this State to try and determine suits upon certain forfeited recognizances, defining the duties of Prosecuting Attorneys in the premises.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Jaquess, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—27.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Huffman, Humphreys, Johnson of Montgomery, Lee, Morgan and Taggart—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Beardsley, the Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK, {
May 5, 1869. }

The Senate met.

On motion by Mr. Gifford, the reading of the Journal of yesterday was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Caven, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

Your Judiciary Committee, to whom was referred House bill No. 140 entitled, a bill repealing certain sections of an act to provide for the registry of voters, and declaring their residence, etc., and prescribing further duties of the officers of elections, report, that they have had the same under consideration, and upon the adoption of the accompanying amendments, respectfully recommend the passage of said bill :

Amend, by striking out all of said bill after section one, and insert the following amendments :

SEC. 2. It shall be the duty of the Inspector of any election held in this State, on receiving the ballot of any voter, to have the same numbered with figures on the outside or back thereof, to correspond with the number placed opposite the name of such voter, on the poll lists kept by the clerks of said election.

SEC. 3. The Township Trustee shall, by virtue of his office, be Inspector of Elections of such township, and shall designate the place where elections shall be held in their respective townships, and shall, prior to the opening of the polls at any precinct, appoint two freeholders, qualified voters of such precinct, judges of such

election, such judges being members of different political parties, and when so appointed, such judges together with the inspector shall constitute a Board of Election.*

Provided, That such appointment shall be made from the two political parties casting the highest number of votes in such township or precinct.

SEC. 4. The Board of County Commissioners of the proper county may designate one or more places of holding elections in any township, or form precincts of two or more townships, when public convenience requires it; and in case such Board of Commissioners shall designate more places of voting in any township, or form a precinct of two or more townships, they shall, at the June term of said Board of County Commissioners preceding any election, appoint some freeholder, who shall be a qualified voter of such precinct, to act as inspector thereof; and may, at any general or special session, fill any vacancy that may have occurred. And such inspector shall, previously to the time of opening the elections at any precinct, appoint two freeholders, qualified voters of such precinct, judges of such election—such judges to be selected from different political parties, so that each party may have a representative on such Board of Election, provided there are different political parties in such precinct; and such appointments shall be made from the two political parties casting the highest number of votes in such township or precinct; and such judges, together with such inspector, shall constitute a Board of Elections.

SEC. 5. Such Board of Elections shall appoint two clerks, (one from each political party,) so that each party may have a clerk in said election, which clerks shall be residents and voters in such township or precinct, provided there are different political parties in such township or precinct; and further provided, that such appointments shall be made from the two political parties casting the highest number of votes in such township or precinct.

SEC. 6. Any person offering to vote, may be challenged by any voter of such township or precinct; and if the person so challenged insists upon voting, and the challenge be not withdrawn, said Board of Election, or some member thereof, shall administer to him the following oath:

You do swear, or affirm, as the case may be, that you are a citizen of the United States; that you are over twenty-one years of age, to the best of your information or belief; that you have been a *bona fide* resident of this State for six months immediately preceding this election; that you are now, and have been for twenty days last past, a *bona fide* resident of this township (as the case may be); that you are generally known by the name in which you now desire to vote; that you have not voted, nor will not vote, at any other precinct or township in this election. And in case of persons of foreign birth, the oath relative to citizenship shall be dispensed with, and the following words used in lieu thereof:—That you have resided in the United States one year, and have declared your intention to become a citizen thereof, in conformity with the laws thereof.

And in addition to such oath of such person proposing to vote, the following oath or affirmation of some freeholder, who is a resident and voter of such township or precinct in which the challenged person asked to vote, shall be required:

You do swear, or affirm, (as the case may be,) that you are a freeholder, owning real estate in your own right, held by deed in your own name, and that said real estate is situated in this election precinct, and that ———, who now desires to vote, has resided in the State for six months immediately preceding this election, and has been a *bona fide* resident of the precinct for twenty days last past.

Which oaths shall be written or printed, and shall be signed by the persons making such oaths, in the presence of such Board of Election, which oaths shall be administered by some member thereof, who shall affix his jurat thereto; which affidavits shall be attached to and be returned with the poll lists, to the office of the County Clerk.

SEC. 7. The Common Council of any city, or the Trustees of any town, shall appoint three freeholders (qualified voters) in each ward: one to act as inspector and two as judges of elections; such judges to be appointed one from each of the two political parties casting the highest number of votes in such ward, so that each of said political parties may have a representative on such Board,

provided there are different political parties in such ward; and the persons thus appointed shall choose two clerks of such election—one from each of the political parties casting the highest number of votes in such ward, provided there are different political parties in such ward.

SEC. 8. If any member or officer of such Board of Election shall wilfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be deemed guilty of felony, and be punished for each and every offence by imprisonment in the State prison for not less than one year.

Mr. Hanna submitted the following minority report:

MR. PRESIDENT:

The undersigned, a minority of the Judiciary Committee, cannot agree to the report on House bill No. 140, and the substitute offered by the committee, viz: the bill in reference to the manner of conducting elections.

The second section requires each inspector to cause the ticket of each voter, before it is placed in the box, to be numbered with figures on the outside—that is, marked so that any one, to gratify curiosity or malice, or for a better motive, can, upon investigation, ascertain just now a given individual may have voted. This section is in conflict, as we read it, with two provisions of the Constitution of the State, viz: Sections 1 and 13, of Article 2, as follows:

“SEC. 1. All elections shall be free and equal.”

“SEC. 13. All elections by the people shall be by ballot, and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.”

It is a well-known historical fact that in the convention which framed the instrument from which we quote, the two plans of voting designated in the 13th section, above set forth, were fully discussed. The result is there stated, namely: that the people then declared as their will, and design, and intention, in every election, to vote by ballot—that is, secretly, in one sense, if the voter so wished. The fact that the voter exercises the right of suffrage is

a public fact; for whom he votes is a secret known only to himself, if he desires that it shall so remain. It was contended that an open vote was necessary to prevent fraudulent practices upon the voter by the wiley and unscrupulous. On the other hand, it was urged that elections should be "free," and any citizen should have an "equal" voice, and this could not be the result of the open voting of the poor and the dependent in the presence and against the will of the rich and those in authority. The latter argument, but faintly shadowed forth here, prevailed, and the people reserved the right, and so declared their intention, to exercise it in a mode which should forbid the prying eyes of the curious and the malicious.

On the other hand, in view of the fact that those acting as agents or representatives of the people had, in many instances, violated the trust placed in their hands, and voted in antagonism to the wishes of the people, it was determined that the open mode of voting should be required at their hands, so that they should be held responsible for any act of bad faith.

The distinction is broad and manifest. In the one instance the individual casts his own vote, and should have the right to keep his own secret as to how he voted, if for any reason he is interested, or desires to do so. In the other instance he casts the vote of those he is chosen to represent, and should give their voice, and not his own, if it may chance to differ from theirs. This brings the power home to the people. That the section under discussion takes from the people this reserved right is so manifest that it seems to us it is only necessary to carefully read it, as follows:

"SEC. 2. It shall be the duty of the inspector of any election held in this State, on receiving the ballot of any voter, to have the same numbered with figures, on the outside or back thereof, to correspond with the number placed opposite the name of such voter on the poll list kept by the clerk of said election."

These poll lists and ballots are, by other laws, required to be kept for inspection. All, any one desiring information, for any reason, would have to do would be to go to the poll list and find the name of the voter and the number opposite, and then search among the tickets for the one with that number endorsed thereon, and the secret that the voter had reserved the right to keep is no longer a secret.

In the third section of the bill the power is given to the township trustee when he acts as inspector to designate the place where elections shall be held. Whether he shall possess this power is questionable. Certainly he should not be permitted to exercise it without being required to make such designation a sufficient length of time before the election, and publish it in such manner as to enable every voter to have knowledge of the place to which he should repair to cast his vote.

In section four the power is given to County Commissioners to "form precincts of two or more townships," and appoint the officers thereof.

In the first section of article two of the constitution above quoted it is declared that elections shall be free and *equal*. This certainly means something, and we have to look further into the article to find what it means.

The second section designates who shall vote, viz: white males, and how old they shall be, that is, "twenty-one years," and where they shall have resided for the preceding six months, *i. e.*, "in the State," and where they resided at the time they offer to vote, namely "in the township or precinct."

Section three prohibits any soldier, seaman, or marine from having the right to vote.

Section five is that no negro or mulatto shall have the right of suffrage.

Section six disqualifies any person from holding office who shall have offered or given a "bribe, threat or reward to procure his election."

Taking these provisions all together, and it seems plain that the freedom of elections contemplated involves, among other things, the absolute freedom of the voter from all restraint which might operate to control his vote against his judgment. A regular soldier whilst in service cannot legally vote, for fear his judgment may be warped by his officer. A minor cannot vote, because he may be controlled by his parents or guardian. A wife cannot, for, among other objections, she may be influenced by her husband. Negroes

cannot vote, for the reason, among many others, that it was believed they did not possess the intelligence to freely exercise the great privilege.

That the high prerogative of freedom in voting may not be infringed by any, and especially by those interested in controlling it, the several disqualifications of holding office are fastened upon the candidate who by threats, bribes, or rewards, shall seek to influence voters.

Can an election be free if the name of each voter is, by the officers of election, to be placed upon his ticket, or any other mark by which it can be identified? "Elections shall be equal." Equal in what? Equal in the opportunity given for every voter—the strong and the weak, the bold and the timid, the sick and the well, the halt, the lame and the blind, to have ample opportunity to exercise the sacred right, without the preservation of which, no Republic can long exist. Plainly it was the intention of the framers of the Constitution that at least one voting precinct shall exist in every township. The bill provides that two or more may be consolidated into one voting precinct. It is useless to argue that power thus conferred will not be abused by partizans in authority when we recollect the fact, that within a very brief period in the past the commissioners of Marion county shamefully refused to provide sufficient and convenient voting places in the City of Indianapolis to enable all to offer their votes at a general election.

If they can consolidate two townships, they can combine all, and require every man to go to the county seat to vote. Will this secure an equal chance for the free exercise of the right to vote? The wayfaring man, though a fool, knows better.

This is but another phase of the growing contest between capital and labor, between the rich and purse-proud and the humble, honest poor. It has assumed the shape of conferring upon the haughty employer and officer the right to examine into the votes of the honest poor man who is employed by him, and is dependent upon his daily toil for his daily bread. It assumes the right to fix the places of election so distant from the laboring man's door that his weary feet will not carry him to it. Is this right? We say it is not, nor is it in accordance with the fundamental law.

J. M. HANNA,
G. V. HOWK.

Mr. Robinson of Madison moved that the bill and reports of the committee thereon, lie on the table, and be made the special order for to-morrow at 10 o'clock, A. M.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 176. A bill to establish a female prison and reformatory institution for girls and women, to provide for the organization and government thereof, and making appropriations.

In which the concurrence of the Senate is respectfully requested.

Also, that the House has passed Senate bill No. 337, A bill to make appropriations for certain purposes, and upon certain conditions therein expressed, and making provisions for the current expenses of the Benevolent Institutions of the State in cases where the State fails to make the necessary appropriations therefor.

And the same is herewith returned to the Senate.

Mr. Green, from the Committee on Fees and Salaries, made the following report :

MR. PRESIDENT :

A majority of the committee to whom House bill No. 78, A bill to amend an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, repealing all laws inconsistent herewith, and declaring an emergency," was referred, with instructions to inquire into the expediency of amending by inserting the following—Sec. —. Whenever the fees, salaries and emoluments of any office provided for in the foregoing provisions shall exceed three thousand dollars exclusive of actual necessary clerk hire, to be determined by the Board of County Commissioners, the same shall be paid into the county

trasury, to constitute a part of the county revenue; respectfully report, that in the opinion of the committee, the proposed amendment is inexpedient, and an amendment at this late day would endanger the passage of the bill. They report the bill back without amendment, and recommend its passage.

Mr. Rice moved to refer the bill to a select committee of five.

Mr. Stein moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Green and Morgan.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bird, Bradley, Case, Church, Cravens, Elliott, Fisher, Fosdick, Hadley, Hamilton, Hooper, Johnson of Montgomery, Kinley, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—23.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Carson, Caven, Denbo, Gifford, Gray, Green, Hanna, Henderson, Hess, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Morgan, Sherrod and Taggart—19.

The bill was so referred.

The President made the committee to consist of Messrs. Rice, Bradley, Denbo, Case and Elliott.

By unanimous consent of the Senate, Mr. Lee offered the following amendment to House bill No. 78:

Provided, That nothing in this act shall affect the fees of any officer heretofore elected, during the term of his office.

Which, on motion, was referred with the bill to the select committee of five.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 64, An act defining what counties shall constitute the Twelfth Common Pleas District, and fixing the time of holding courts therein. And the same is herewith transmitted for the signature of the President of the Senate.

Mr. Armstrong submitted the following minority report on House bill No. 11 :

MR. PRESIDENT :

The undersigned, from a special committee to whom was referred House bill No. 11, A bill creating the Twenty-first and Twenty-second Judicial Circuits, to fix the times of holding courts therein, to provide for the election of judges and prosecuting attorneys, and also to fix the times of holding the spring term of the Court of Common Pleas in Miami county, begs leave to dissent from the opinion of the majority of the committee, and submits, that since Huntington county has been transferred from the Eleventh to the Tenth Judicial Circuit, there is not even a plausible pretext, much less a necessity, for the creation of a new circuit.

The counties of Cass, Carroll, Miami and Wabash, now comprising the Eleventh Judicial Circuit, are contiguous, and accessible to the circuit judge and members of the bar by railroad, at all times and seasons of the year. By long association the people are identified in feeling and interest, and it is believed that a proper distribution of the terms of the court will meet all the wants of her citizens, insure speedy and certain trials to litigants, besides being a step in the right direction toward arresting the *mania* now so prevalent for the creation of new circuits.

There are reasons for believing that circuits are not unfrequently established for a specific object, and the case in question may not be an exception—the placing of some aspirant to a judgeship in an easy position for realizing \$2,000 or \$2,500 per year. There can be no just reasons assigned for the disruption of the Eleventh Judicial Circuit and the creation of a new one, only for the purpose

indicated. The people want less play, greater efficiency, and more industry in our courts, rather than the establishing of new courts.

The bill which is herewith submitted, fixing the terms and times of holding courts in the Eleventh Judicial Circuit, it is believed will be satisfactory to all parties, and all parts of the circuit, and also avoid the additional expense resulting from the adoption of the majority report of this committee.

The undersigned would therefore recommend the striking out of all after the enacting clause in House bill No. 11, and the insertion of the following bill as a substitute. All of which is respectfully submitted.

F. G. ARMSTRONG.

That the circuit courts in the several counties of the Eleventh Judicial Circuit, shall be held as follows, to-wit:

In the county of Carroll, on the second Mondays of February and August of each year; in the county of Wabash, on the first Mondays of March and September; in the county of Miami, on the second Mondays of April and October, and in the county of Cass, on the second Mondays of May and November.

That the courts shall continue in the county of Carroll three weeks; in the county of Wabash, five weeks; in the county of Miami, four weeks, and in the county of Cass the court shall sit so long as the business thereof shall require it. All parties to suits in said courts, and all witnesses, jurors, officers, or other persons concerned, shall take notice of the provisions of this act. All writs, summonses, processes or motions, that may have been issued or served before the taking effect of this act, in relation to matters pending in any of said courts are hereby made returnable to the first day of the next term of said court as fixed by this act, and all suits, motions, recognizances, rules, or other proceedings, which, at the taking effect of this act, shall be pending in any of the said courts, shall be acted upon in the same manner as if this act had been in force at the time of their inception. That this act shall not affect the times of holding courts in any of the counties named prior to the first day of July next, but the courts shall be held as heretofore provided by law.

All laws or parts of laws contravening the provisions of this act are hereby repealed.

It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore, it shall be in force from and after its passage.

Mr. Armstrong moved the adoption of the minority report as a substitute for the majority report.

The ayes and noes were demanded by Messrs. Armstrong and Hadley.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Case, Caven, Church, Elliott, Fosdick, Gifford, Gray, Hadley, Hamilton, Hess, Hooper, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Rice, Robinson of Decatur, Scott, Stein and Taggart—26.

Those who voted in the negative were,

Messrs. Bradley, Carson, Fisher, Green, Huey, Laselle and Sherrod—7.

No quorum voting.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 62, An act to amend section 147 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed;" approved March 6, 1865. Also,

House enrolled act No. 341. An act creating the Twenty-eighth

Judicial Circuit, fixing the time of holding courts therein, declaring a vacancy in the office of judge and prosecuting attorney therein, providing for the election of a judge and prosecuting attorney for the same, providing for a transfer of action and return of process thereto, fixing the time of holding courts in the county of Decatur in the Fourth Judicial Circuit, and declaring an emergency.

And the same are herewith transmitted for the signature of the President of the Senate.

On motion by Mr. Carson, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The Senate met.

The question pending at adjournment being the adoption of the minority report of a special committee as a substitute for the report of the majority on House bill No. 11,

The Secretary proceeded with a call of the roll.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Denbo, Elliott, Fosdick, Gifford, Gray, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—32.

Those who voted in the negative were,

Messrs. Bradley, Fisher, Green, Hanna and Johnson of Montgomery—5.

So the minority report of the committee, offered as a substitute for the majority report, was adopted, and the report and amendments therein contained were concurred in.

Mr. Fisher moved that the order of business be suspended, and the bill considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 11. An act to fix the time of holding courts in the Eleventh Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—36.

Those who voted in the negative were,

Messrs. Bradley and Huffman—2.

Mr. Bellamy moved to take up Senate bill No. 308.

Mr. Carson moved to lay that motion upon the table.

Which was agreed to.

By unanimous consent of the Senate, Mr. Jaquess, from the Committee on Claims, submitted the following report:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred the claim of Wm. & J. Braden for \$105,03, for stationery furnished by them for the use and benefit of the Legion and Militia of the State of Indiana in the year 1863, have had the same under consideration, and have instructed me to report the same back with the recommendation that it be allowed, and that said claim be referred to the Committee on Finance, with instructions to incorporate the same into the Specific Appropriation Bill.

Which was referred to the Committee on Finance.

Mr. Stein moved to suspend the order of business and take up Senate bill No. 298.

Mr. Bellamy moved to lay that motion upon the table.

Which was not agreed to.

The question recurring upon the motion to suspend the order of business,

It was agreed to, and

Senate bill No. 298, A bill making an appropriation for the support of the State University, and providing for the diminution of the same in certain contingencies,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Fosdick, Gray, Hamilton, Henderson, Humphreys, Jaquess, Kinley, Laselle, Morgan, Rice, Scott and Stein—19.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bird, Carson, Denbo, Elliott, Fisher, Gifford, Green, Hadley, Hanna, Hess, Hooper, Huey, Huffman, Johnson of Spencer, Johnson of Montgomery, Lee, Montgomery, Robinson of Madison and Robinson of Decatur—21.

So the bill did not pass.

Mr. Kinley moved to suspend the order of business and take up House bill No. 176, and that the rules be suspended and the bill be read a first, second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Car-

son, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hess, Hooper, Huey, Jaquess, Johnson of Spencer, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur and Scott—30.

Those who voted in the negative were,

Messrs. Bird, Denbo, Gray, Hanna, Henderson, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery and Taggart—11.

So the rules were not suspended.

Mr. Rice moved to reconsider the vote by which the Senate refused to suspend the rules to read House bill No. 11 a first, second and third time.

Which was agreed to.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Huey, Jaquess, Johnson of Spencer, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Stein—33.

Those who voted in the negative were,

Messrs. Denbo, Hanna, Henderson, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery and Taggart—8.

So the rules were not suspended.

On motion by Mr. Cravens, House bill No. 176, A bill to establish a female prison and reformatory institute for girls and women, to provide for the organization and government thereof, and making appropriations,

Was read a first time.

Upon motion by Mr. Cravens, Mrs. Sarah Smith was invited to

address the Senate upon the subject matter contained in the bill, which she did in an appropriate manner.

Mr. Kinley moved that the rules be suspended, and that the bill be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Lasselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein and Turner—36.

Those who voted in the negative were,

Messrs. Johnson of Montgomery, Lee, Montgomery and Taggart—4.

So the rules were suspended, and the bill was read a second time.

Mr. Fisher offered the following amendment:

Strike out all after the word Institution, in the ninth line of section thirty-four.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Bradley and Fisher.

Those who voted in the affirmative were,

Messrs. Beardsley, Bird, Bradley, Carson, Denbo, Elliott, Fisher, Gifford, Gray, Hanna, Hooper, Huey, Johnson of Montgomery, Montgomery, Rice, Reynolds, Robinson of Decatur, Sherrod, Stein and Turner—20.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bellamy, Case, Caven, Cravens,

Fosdick, Green, Hadley, Hamilton, Hess, Huffman, Jaquess, Johnson of Spencer, Kinley, Lasselle, Lee, Morgan, Robinson of Madison, Scott and Taggart—21.

So the amendment was not agreed to.

Mr. Bradley moved to strike out the third sub-division of section nineteen.

Which was agreed to.

Mr. Fisher moved to amend, by striking out twenty-one, wherever it occurs in the reformatory part of the bill, and insert eighteen.

Which was agreed to.

Mr. Lasselle moved that the further consideration of the bill be postponed, until two o'clock p. m. to-morrow.

Which was not agreed to.

The bill was then read a third time.

By the unanimous consent of the Senate, Mr. Stein offered the following amendment:

All commitments to the penal department, made under the provisions of this act, shall be until the infants respectively committed attain the age of twenty-one years, and all commitments to the reformatory department, until they respectively attain the age of eighteen years, unless sooner discharged from either department, by authority of the Board of Managers or otherwise, as elsewhere provided in this act.

Which was adopted.

Mr. Hanna, by unanimous consent of the Senate, offered the following amendment:

Strike out from the first of section 33, to and including the word and, in the fifth line.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hess, Hooper, Huey, Jaquess, Johnson of Spencer, Kinley, Lasselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Turner—34.

Those who voted in the negative were,

Messrs. Denbo, Henderson, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery, Robinson of Decatur, Sherrod and Taggart—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Kinley moved to lay Senate bill No. 282 on the table.

Which was agreed to.

Mr. Hadley moved to make Senate bill No. 246 the special order for to-morrow, at half-past nine o'clock A. M.

Which was agreed to.

On motion of Mr. Carson, the Senate adjourned.

THURSDAY MORNING, 9 O'CLOCK. }
May 6, 1869. }

The Senate met.

Mr. Johnson, of Spencer, moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journal was being read, when,

Upon motion by Mr. Hadley, the further reading thereof was dispensed with.

Mr. Carson gave notice of his intention to move a reconsideration of the vote by which House bill No. 176 was passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, of Montgomery, from the Committee on Claims, made the following report:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred the claim of Dr. I. W. Wright, for services rendered in the arrest of Francis Pio and De La Fa Foret, for the murder of Casper M. Sgien, in the county of Tippecanoe, State of Indiana, have had the same under consideration, and find that the claimant has received for his services, the following, sums, to-wit:

By appropriation made by Legislature of 1867.....	\$500 00
From Governor Baker.....	100 00
From the County of Tippecanoe.....	150 00
Total....	<u>\$750 00</u>

In the opinion of your Committee, all such claims ought to be

settled by the county where the crime is committed and the services rendered, and not by the State.

The Committee has therefore directed me to report the same back, and recommend that no allowance be made by the State to the said claimant.

Which report was concurred in.

Mr. Hess, from the Committee on Claims, submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Ramsay and Hanning, have had the same under consideration, and have instructed me to report recommending that it be allowed.

Which was concurred in.

Mr. Armstrong, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 314, "An act to suspend for four years the operation of an act entitled an act to amend sections one and three of an act entitled an act to provide for the relocation of county seats, and for the erection of public buildings in counties, in case of such relocation," approved March 2d, 1855, "and to amend section one of an act amendatory of said act, approved December 18, 1865, and to provide for the apportionment of commissioners, approved February 24, 1869," have had the same under consideration and have directed me to report it back and recommend that it do lie on the table.

Which report was concurred in.

On motion of Mr. Rice, Mr. Scott was added to the special committee on Senate bill No. 78.

RESOLUTIONS.

Mr. Rice offered the following resolution :

Resolved, That the Secretary of the Senate order from the publisher of Wilson's Digest of Parliamentary Law 51 copies of said Digest, one copy for each Senator, and one for the President of the Senate.

Which was adopted.

Mr. Gifford, from the Committee on Employees, submitted the following report :

MR. PRESIDENT :

The Committee on Employees of the Senate, to whom was re-committed a resolution on the subject of limiting the employees to the number actually required to do the work in their several departments during this session of the General Assembly, have reconsidered the same, and would respectfully report that they still adhere to the number of employees given in their first report to the principal Secretary, that they have, at the urgent request of the Assistant Secretary, given him two additional clerks, which he insists are actually necessary to enable him to do the work promptly and correctly, and they have consented to give the Doorkeeper one additional page, to do the folding and other work connected with the duties of the pages, and to limit him otherwise to the same number reported at an early day of the session.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit :

Senate bill No. 156, a bill accepting certain donations from John Perdue and others, and locating and naming the college contemplated by the act of Congress, approved July 2d, 1862, providing for its organization and management, adding a member to the

Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency.

And the same is herewith returned to the Senate.

Mr. Hooper offered the following concurrent resolution :

Be it Resolved by the Senate of the State of Indiana, the House of Representatives concurring therein, That the trustees and officers of the Soldiers' Home are hereby instructed and directed to transfer, at the earliest practicable time that it can be done, by voluntary consent of the inmates, the soldiers and seamen now in the Home at Knightstown, Indiana, to the National Home at Dayton, Ohio, or Milwaukee, Wisconsin, and as fast as transferred to fill their places by orphans of soldiers and seamen, and that said trustees shall not admit any more soldiers or seamen in the Home at Knightstown, except in extreme cases, and report to the Governor semi-annually the transfers made.

Which was adopted.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 52, a bill authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing all the law on that subject, approved March 11, 1867.

In which the concurrence of the Senate is respectfully requested.

The President announced the special order for this hour to be the consideration of Senate bill No. 246—

An act to amend sections 4, 13 and 15 of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows ;" approved March 11, 1867, and supplementary to said act.

Which was taken up.

Mr. Hadley offered the following amendments:

Add to section 2 the following: "Which warrants shall be paid out of any moneys appropriated for the maintenance of said Home until the same is exhausted, and then out of any moneys in the treasury not otherwise appropriated." Also,

Amend by striking out all of section 5.

Which amendments were adopted.

The bill was then read a third time.

By unanimous consent of the Senate, the words "Assistant Superintendent" were stricken out of the 12th line of section 1.

Mr. Church moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Andrews, Beardsley, Bellamy, Bradley, Case, Cavin, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Turner and Walcott—30.

Those who voted in the negative were,

Messrs. Bird, Carson, Huey, Humphreys, Johnson of Montgomery, Lee, Montgomery, Sherrod and Taggart—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hooper moved to take up Senate bill No. 158, and make it the special order for 2½ o'clock, P. M., to-morrow.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit :

Senate bill No. 215. A bill to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies.

And the same is herewith returned to the Senate.

The hour having arrived for the consideration of Senate bill No. 140, A bill repealing certain sections of an act to provide for the registry of voters, and declaring their residence, and prescribing further duties of the officers of elections,

It was taken up.

The amendments to Senate bill No. 140, as reported by the Committee on the Judiciary, were then read as follows :

Amend by striking out all of said bill after section 1 and insert the following amendments:

SEC. 2. It shall be the duty of the inspector of any election held in this State, on receiving the ballot of any voter, to have the same numbered with figures on the outside or back thereof, to correspond with the number placed opposite the name of such voter on the poll-lists kept by the clerks of said election.

SEC. 3. The township trustee shall, by virtue of his office, be inspector of elections of such township, and shall designate the place where elections shall be held in their respective townships; and shall, prior to the opening of the polls at any precinct, appoint two freeholders, qualified voters of such precinct, judges of such election; such judges being members of different political parties; and when so appointed, such judges, together with the inspector, shall constitute a board of election: *Provided*, there are different political parties in such township or precinct; *And further provided*, that such appointments shall be made from the two political parties casting the highest number of votes in such township or precinct.

SEC. 4. The board of county commissioners for the proper county, may designate one or more places of holding elections in any township, or form precincts of two or more townships when public convenience requires it; and in case such board of commissioners shall designate more places of voting in any township, or form a precinct of two or more townships, they shall, at the June term of said board of county commissioners preceding any election, appoint some freeholder, who shall be a qualified voter of such precinct, to set a~~n~~ inspector thereof; and may, at any general or special session fill any vacancy that may have occurred; and such inspector shall, previously to the time of opening the elections at any precinct, appoint two freeholders, qualified voters of such precinct, judges of such election; such judges to be selected from different political parties so that each party may have a representative on such board of election: *Provided*, there are different political parties in such precinct; and such appointments shall be made from the political parties casting the highest number of votes in such township or precinct; and such judges, together with such inspector, shall constitute a board of elections.

SEC. 5. Such board of elections shall appoint two clerks, one from each political party so that each party may have a clerk in said elections, which clerks shall be residents and voters in such township or precinct: *Provided*, there are different political parties in such township or precinct; *And further provided*, that such appointments shall be made from the two political parties casting the highest number of votes in such township or precinct.

SEC. 6. Any person offering to vote may be challenged by any voter in such township or precinct, and if the person so challenged insists upon voting, and the challenge be not withdrawn, said board of election, or some member thereof, shall administer to him the following oath: You do swear, or affirm, (as the case may be,) that you are a citizen of the United States, that you are over twenty-one years of age, to the best of your information or belief, that you have been a bona fide resident of this State for six months immediately preceding this election, that you are now, and have been for twenty days last past, a bona fide resident of this township, or precinct, (as the case may be;) that you are generally known by the name in which you now desire to vote, that you have not

voted, nor will not vote at any other precinct or township in this election. And in case of persons of foreign birth, the oath relative to citizenship shall be dispensed with, and the following words used in lieu thereof: That you have resided in the United States one year, and have declared your intentions to become a citizen thereof in conformity with the laws thereof. And in addition to such oath of such persons proposing to vote, the following oath or affirmation of some freeholder, who is a resident and voter of such township or precinct in which the challenged person asks to vote, shall be required: You do swear or affirm, (as the case may be,) that you are a freeholder, owning real estate in your own right, held by deed in your own name, and that said real estate is situated in this election precinct, and that ———, who now desires to vote, has resided in this State for six months immediately preceding this election, and has been a bona fide resident of this precinct for twenty days last past. Which oaths shall be written or printed, and shall be signed by the person making such oaths, in the presence of such board of election, which oaths shall be administered by some member thereof, who shall affix his jurat thereto; which affidavits shall be attached to and returned with the poll-list, to the office of the county clerk.

SEC. 7. The Common Council of any city, or the trustees of any town, shall appoint three freeholders, qualified voters, in each ward—one to act as inspector, and two as judges of elections, such judges to be appointed, one from each of the two political parties casting the highest number of votes in such ward, so that each of said political parties may have a representative on such board: *Provided*, there are different political parties in such ward; and the persons thus appointed shall choose two clerks of such elections, one from each of the political parties casting the highest number of votes cast in such ward: *Provided*, there are different political parties in such ward.

If any member or officer of such boards of election shall wilfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be deemed guilty of felony, and be punished for each and every offense by imprisonment in the State Prison for not less than one year.

Mr. Caven offered the following amendments to the amendments reported by the committee :

Amend the second line of section six by inserting after the word "precinct" the words "or ward, as the case may be," and strike out the word "or" before the word "precinct."

Amend the thirteenth line of section six by striking out the word "or" before the word "precinct," and after said word insert the words "or ward, as the case may be."

Amend the sixteenth line of section six by striking out the word "or" before the word "township," and insert after that word "or ward, as the case may be."

Amend line twenty-five of section six by striking out the word "or" and insert after the word "precinct" in said line the words "or ward, as the case may be."

Amend by inserting the following section :

SEC. —. Whereas, an emergency exists for the immediate taking effect thereof, therefore the same shall be in force from and after its passage.

Which were adopted.

Mr. Jaquess offered the following amendment to section three of the amendments reported by the committee :

Provided, That no person shall be eligible to sit on any Board of Election who has any money, property, or any other valuable thing, bet or wagered on the result of any such election.

Which was adopted.

The question being on concurring in the report of the committee,

It was agreed to.

The question then being upon the adoption of the amendments reported by the committee,

Mr. Robinson, of Madison, demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names:

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fossick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Taggart, Turner, and Wolcott—42.

Mr. Fisher moved that further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Bellamy moved that the absentees be sent for.

Which was agreed to.

Mr. Turner moved that the Senate adjourn.

Which was not agreed to.

Mr. Johnson, of Montgomery, moved that further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Kinley moved that the Senate adjourn.

Which was not agreed to.

Mr. Bellamy moved to take a recess until 2 o'clock P. M.

Which was not agreed to.

Mr. Carson asked leave of absence until 2 o'clock P. M.

Which was not agreed to.

Mr. Green moved that further proceedings under the call be dispensed with.

Which was agreed to

The question being upon the adoption of the amendment reported by the committee,

The ayes and noes were demanded by Messrs. Hanna and Bradley.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Cave, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, and Wolcott—26.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Montgomery, Lassel, Lee, Montgomery, Morgan, Sherrod, Stein, Taggart, and Turner—19.

So the amendments reported by the committee were adopted.

Mr. Armstrong offered the following amendment:

Amend line sixteen of section six by inserting after the word "election" the following: "Also stating where he last resided, and at what precinct or place he last voted."

Mr. Sherrod moved to lay the amendment on the table.

Which was agreed to.

Mr. Robinson, of Madison, moved that the amendments be considered as engrossed, and that the bill be read a third time.

Which was agreed to.

Mr. Carson moved to adjourn.

Which was not agreed to.

Mr. Rice moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The bill was then read a third time.

The question recurring on the passage of the bill,

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Church, Caven, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, and Wolcott—26.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Denbo, Gifford, Henderson, Huey, Humphreys, Johnson of Montgomery, Laselle, Lee, Montgomery, Morgan, Stein, Taggart, and Turner—16.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Caven offered the following amendment to the title of the bill:

Amend by adding to the end thereof the words, "And providing for the appointment of the necessary officers and clerks for holding such elections.

Which was agreed to.

And the title as amended was then adopted.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 209. A bill to define certain offences therein

mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the judiciary in the punishment of real or pretended offenders.

In which the concurrence of the Senate is respectfully requested.

On motion, by Mr. Jaquess, the Senate adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Johnson, of Spencer, moved to suspend the order of business, and take up House bills on their second reading.

Which was agreed to.

Engrossed House bill No. 53. A bill to regulate the mileage of sheriffs in conveying convicts to the State prisons, and repealing all laws in conflict herewith.

Was read a first time by its title.

Mr. Johnson, of Spencer, moved that the rules be suspended, and the bill read a second and third times now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Cave, Caven, Denbo, Elliott, Fisher, Gifford, Green, Hadley, Hanna, Henderson, Hess, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Taggart, Turner, and Wolcott—36.

Those who voted in the negative were,

Messrs. Bradley, Church, Fosdick, and Montgomery—4.

So the rules were suspended, and the bill read a second time.

Mr. Scott offered the following amendment:

Amend by striking out "108" from Martin, and insert "125."

On motion of Mr. Johnson, of Montgomery, the amendment was laid on the table.

Mr. Green offered the following amendment:

Amend so as to give Tipton 126 miles.

Which was not adopted.

Mr. Johnson, of Montgomery, moved to lay the amendment on the table.

Which was agreed to.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Church, Denbo, Gifford, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselie, Lee, Morgon, Sherrod, Taggart, and Turner—23.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Carson, Case, Caven, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hamilton, Hess, Hooper, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, and Wolcott—22.

So the bill failed to pass for the want of a constitutional majority.

Mr. Jaquess moved to reconsider the vote by which House bill No. 53 failed to pass.

Which was agreed to.

Mr. Johnson, of Spencer, moved to recommit the bill to a select committee of three.

Which was agreed to.

The committee was made to consist of Messrs. Johnson of Spencer, Case, and Carson.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 80. A bill declaring what evidence shall be sufficient, *prima facie*, to establish title to real estate under a sheriff's sale on execution, and providing that such sales shall not be adjudged void or set aside on account of the failure of the sheriff to sell in parcels.

Also, House bill No. 136. A bill creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.

Also, House bill No. 288. A bill amending sections four and eight of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contrary to the provisions of this act, and prescribing penalties for violation thereof, approved March 5th, 1859.

In all of which the concurrence of the Senate is respectfully requested.

Mr. Bellamy, by consent of the Senate, from the Committee on Phraseology and Enrolled bills, submitted the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Enrolled Bills, have examined enrolled Senate act No. 156, An act accepting certain donations from John Purdue and others, and locating and naming the

college contemplated by the Act of Congress approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency, and have instructed me to report that the same is neatly and correctly enrolled.

Which report was concurred in.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the accompanying concurrent resolution concerning an appropriation of \$20,000 for the purchase of Dr. David Dale Owen's geological cabinet.

In which the concurrence of the Senate is requested.

The special order for this hour being the consideration of Senate bill No. 158.

An act to provide for the public printing, regulating the prices to be paid therefor, fixing the time and mode of electing a State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act,

Was taken up, and the amendments reported by the committee were adopted.

The bill was then read a third time.

Mr. Green moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bradley, Carson, Case, Caven, Cravens, Den-

bo, Fisher, Fosdick, Gifford, Henderson, Hess, Hooper, Huey, Johnson of Montgomery, Kinley, Reynolds, Robinson of Decatur, Scott and Stein—21.

Those who voted in the negative were,

Messrs. Beardsley, Bellamy, Bird, Church, Elliott, Gray, Green, Hadley, Hamilton, Hanna, Jaquess, Johnson of Spencer, Montgomery, Morgan, Rice, Robinson of Madison, Sherrod, Taggart, Turner and Wolcott—20.

So the bill failed for want of a constitutional majority.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 234. A bill declaring the meaning of sections 14 and 16 of an act entitled "An act containing several provisions regarding landlords, tenants, lessors and lessees," approved March 20, 1852, and to authorize and give a right of action by a joint tenant, tenant in common, tenant in coparcenary against other joint tenants, tenants in common and tenants in coparcenary, and declaring an emergency.

In which the concurrence of the Senate is respectfully requested.

Mr. Stein moved to take up House bill No. 161. A bill to provide for the organization of savings banks, and the safe and proper management of their affairs.

Which was agreed to.

Mr. Carson moved to concur in the following engrossed amendments of the House:

Engrossed amendments of the House to Senate bill No. 161—

1. Amend section 1 by adding after the words "severally own unincumbered real estate therein worth at least five thousand dollars," the words "exclusive of perishable improvements."

2. Strike out section 14 and insert the following in lieu thereof:
 Sec. 14. The trustees of every savings bank shall require from the officers and agents of the corporation such security for their fidelity and the faithful performance of their duties as they shall deem necessary; and every officer or agent of such savings bank, who, by the rules and regulations thereof, is to have direct custody or control of the funds thereof, shall, before entering upon his duties, execute with one or more freehold sureties, to be approved by said judge, may determine payable to the State of Indiana for the use of such savings bank, or any condition thereof or depositor therein, conditioned for the faithful discharge of his duties as such officer or agent, and for the payment of any loss or damage occasioned by his willful misconduct or neglect; which undertaking shall be filed in the office of the Clerk of the Court of Common Pleas of the county wherein such bank is situated.

3. Amend section 19 as follows: Strike out the 5th clause therein. Add to the end of the 7th clause of said section the following words—"and that not more than \$5,000 shall be loaned upon the same security."

4. Amend section 54 as follows: Strike out of the 7th line of said section the following words—"shall have arrived at full age." Also, insert in said line after the word "until" the following words: "a guardian shall have been lawfully appointed for." Also, add to the end of said section the following words: "or a guardian shall have been appointed."

5. Add the following section:

SEC. 56. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate enrolled

act No. 156, An act accepting certain donations from John Purdue and others, and locating and naming the college contemplated by the Act of Congress, approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency, and the same is herewith returned to the Senate.

Mr. Bradley moved to take up House bill No. 225.

Mr. Bellamy moved to take up Senate bill No. 308.

Mr. Bradley moved to take up House bill No. 205.

Mr. Caven moved to take up Senate bill No. 324 and House bill No. 334.

Mr. Turner moved to take up House bill No. 170.

Mr. Hanna moved to lay all upon the table.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 145. A bill to amend sections one, six and nine of an act entitled, "An act to incorporate the Lafayette Insurance Company," approved February 8, 1836, and declaring an emergency.

Also, House bill No. 268. A bill for the preservation of Indiana battle flags, military trophies and relics.

In all of which the concurrence of the Senate is respectfully requested.

By unanimous consent, Mr. Green offered the following resolution :

Resolved, That when the Senate adjourn, it be until 7 o'clock this evening.

Mr Church moved to amend, by striking out 7 o'clock this evening, and inserting 8 o'clock in the morning.

Which was agreed to.

The resolution was then laid over, under the rules, until tomorrow.

Mr. Stein moved to reconsider the vote by which House bill No. 176 was passed.

The ayes and noes were demanded by Messrs. Fisher and Johnson, of Montgomery.

Pending the calling of the roll,

Mr. Stein asked leave to withdraw the motion to reconsider.

Which was agreed to.

Mr. Carson renewed the motion to reconsider the vote by which House bill No. 176 was passed.

Mr. Robinson, of Madison, moved to lay the motion to reconsider on the table.

The ayes and noes were demanded by Messrs. Carson and Fisher.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Kinley, Rice, Reynolds, Robinson of Madison, Scott, Stein and Wolcott—23.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Church, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Johnson of Spencer, Johnson of Montgomery, Lasselle, Montgomery, Morgan, Robinson of Decatur, Sherrod, Taggart and Turner—20.

So the motion to lay the motion to reconsider on the table was agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 389. A bill to authorize the Governor of the State to appoint commissioners to revise, amend and remodel the system of courts and the code of practice in this State, fixing the time when such commissioners shall meet, giving them certain privileges, fixing their compensation, and declaring an emergency.

In which the concurrence of the Senate is respectfully requested.

Mr. Bradley moved to suspend the order of business, and take up

House bill No. 205. A bill to fix the time and length of term, for holding the Circuit Court in the county of Marshall, and repealing all laws contravening the provisions of this act.

Which was not agreed to.

Mr. Bellamy moved the order of business be the consideration of Court Bills.

Which was agreed to.

Senate bill No. 308. A bill to amend an act entitled "An act to regulate the terms of the Circuit Courts in the First Judicial Circuit," approved February 25, 1869.

Was taken up.

Mr. Bellamy moved to amend, by striking out of the bill the words Bartholomew and Brown.

Which was agreed to.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart and Wolcott—33.

Those who voted in the negative were,

Messrs. Bird and Morgan—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 205. A bill to fix the time and length of holding the Circuit Court in the county of Marshall, and repealing all laws contravening the provisions of this act.

Was taken up.

Mr. Bradley moved³ to suspend the rules, and that the bill be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart and Wolcott—38.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart, and Wolcott—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 225. A bill to provide for the holding of the Court of Common Pleas in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.

Was taken up.

Mr. Bradley moved to suspend the rules, and read the bill a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart, and Wolcott—38.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second and third times.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart, and Wolcott—36.

Mr. Carson voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 334. An act in relation to Criminal Circuit Courts, and Judges thereof.

Was taken up and read a first time.

Mr. Caven moved that the rules be suspended, and the bill read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Taggart, and Wolcott—38.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time.

Mr. Bellamy offered the following amendment :

Amend by adding the following sections :

SEC. —. *Be it further enacted*, That the salaries of judges and prosecuting attorneys of the criminal circuit courts of this State shall be paid from the treasury of the county or counties compos-

ing such circuit, to be apportioned among the counties composing such circuit, in proportion to the population thereof, and to be paid quarterly, on the warrant of the auditor of said county, and the said salaries are hereby fixed at two thousand dollars (\$2,000) per annum for such judge, and five hundred dollars (\$500) per annum for such prosecuting attorney.

SEC. —. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Morgan moved to lay the amendment on the table.

Which was not agreed to.

Mr. Robinson, of Madison, demanded the previous question.

Which was seconded by the Senate.

The question being on the adoption of the amendment proposed by Mr. Bellamy,

The ayes and noes were demanded by Messrs. Carson and Bradley.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Church, Denbo, Elliott, Fosdick, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Laselle, Montgomery, Rice, Reynolds, Robinson of Decatur, and Taggart—27.

Those who voted in the negative were,

Messrs. Armstrong, Bird, Bradley, Carson, Caven, Cravens, Fisher, Gifford, Kinley, Morgan, Robinson of Madison, Scott, and Wolcott—14.

So the amendment was adopted.

By consent of the Senate, Mr. Caven offered an amendment.

Which was adopted.

The bill as amended was read a third time.

Mr. Carson demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Montgomery, Morgan, Rice, Robinson of Decatur, Robinson of Madison, Scott, Taggart, and Wolcott—38.

Mr. Robinson, of Madison, moved that further proceedings under the call be dispensed with. -

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Laselle, Montgomery, Rice, Robinson of Madison, Robinson of Decatur, Taggart, and Wolcott—32.

Those who voted in the negative were,

Messrs. Bird, Kinley, and Scott—3.

So the bill passed.

The question being, shall the title stand as read?

Mr. Bellamy offered an amendment to the title.

Which was adopted.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 324. An act in relation to criminal circuit courts and the judges thereof.

Was then taken up,

And, on motion by Mr. Fisher, laid on the table.

House bill No. 203. An act fixing the time of holding circuit courts in the several counties comprising the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all processes returnable to the time fixed by this act, and regulating the transaction of business therein.

Was taken up and read a second time by its title.

Mr. Hanna offered an amendment.

Which was adopted.

Mr. Henderson moved to suspend the rules, and the bill be read third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lassel, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Taggart and Wolcott—34.

Mr. Carson voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, La-

selle, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Taggart and Wolcott—34.

Mr. Carson voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Armstrong, by unanimous consent of the Senate, introduced

Senate bill No. 352. An act to fix the times of holding the common pleas courts in the several counties composing the Fifteenth Common Pleas District, the duration of the terms thereof, making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Carson introduced

Senate bill No. 353. An act repealing all laws in relation to criminal circuit courts and criminal courts.

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Gifford, the Senate adjourned.

FRIDAY MORNING, 9 o'clock, }
May 7, 1869. }

The Senate met.

On motion by Mr. Carson, the reading of the Journal was dispensed with.

The President laid before the Senate the following message from the Governor by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 6, 1869. }

MR. PRESIDENT :

By direction of the Governor, I have the honor to submit herewith his message transmitting a copy of supplemental report of the Commissioners of the House of Refuge.

JNO. M. COMMONS, *Private Secretary.*

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 6, 1869. }

Gentlemen of the Senate and House of Representatives :

I beg leave herewith respectfully to transmit copies of a supplemental report of the Commissioners of the House of Refuge just made to me, setting forth the financial condition, and the present and prospective wants of that institution.

CONRAD BAKER.

HOUSE OF REFUGE, }
PLAINFIELD, IND., May 5, 1869. }

To his Excellency, Conrad Baker, Governor of Indiana :

The undersigned, Commissioners of the House of Refuge, respectfully represent to you, and through you to the General Assembly of the State, that with 106 boys in said institution during the months of January, February, March and April, of the present

year, the actual expenses have been \$7,616 12, being itemized as follows :

Support, (food, etc.),.....	\$2,324 11
Contingent expenses,.....	803 46
Furnishing goods for houses,.....	296 59
Boys' clothing,.....	748 57
Fuel and light,	237 28
Live stock for farm,.....	902 90
Buildings and improvements,.....	134 77
Agricultural implements,.....	431 14
Books,.....	56 54
Officers' salaries,.....	1,680 76
	<hr/>
	\$7,616 12

Which shows that it requires about \$1,900 per month to support the institution.

The General Assembly have appropriated for the support of the institution from January 1, 1869, to March 31, 1870, (a period of fifteen months,) \$20,000; and for the year ending March 31, 1871, \$20,000. It will thus be seen, that if no more boys shall be admitted than we now have, and the expenses shall be the same, we shall fall short in means of support for the said fifteen months ending March 31, 1870, \$8,500; and for the year ending March 31, 1871, estimating that we shall have only the same number of boys that are now in the institution, there will be a deficit of \$2,800.

But when it is remembered that if we shall be as successful in putting up our additional buildings, as we were in erecting the first buildings, have room for at least 100 boys in addition to those already in the Institution, it will be seen that the appropriation for the last year will be too small by at least \$10,000.

We think it our duty to call attention to these facts, especially as we see it stated by some of the members of the Legislature, that we will not have any more boys than we now have, before the Legislature will be again in session.

It seems inevitable that one of three things must be done.

First, The Legislature must furnish more means for the support of the Institution; or,

Second, We must send away a sufficient number of the inmates, to reduce the number so that our means will be adequate to their support; or,

Third, We shall have to create a debt to enable us to conduct the Institution in an efficient way, and to receive and accommodate all the boys which our buildings now, and in the future, will enable us to receive.

Allow us to express the hope that the House of Refuge, which has been so auspiciously begun, may not now be shorn of its usefulness, and needlessly limited in its capacity.

We may add, that applications for the admission of boys are pressing. More than fifty are now pending. Some have been committed to the penitentiary, and some to the county jails, and others discharged, because the House of Refuge is full.

We beg leave respectfully to submit these facts, in addition to the full report as to the condition of the Institution, its expenses, etc., made at the beginning of the regular session.

(Signed,)

C. F. COFFIN,

A. C. DOWNEY,

J. R. OSGOOD,

Commissioners House of Refuge.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following joint resolution thereof, to-wit:

House joint resolution No. 16. A joint resolution for the removal of F. M. Meredith from the office of Director of the Southern Prison of Indiana.

That said resolution was passed by the constitutional majority, and the same is herewith transmitted for the action of the Senate.

Mr. Armstrong moved to suspend the rules, and that Senate bill No. 352 be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Smith, Stein, Taggart, Turner and Wolcott—40.

Those who voted in the negative were,

Messrs. Hanna and Sherrod—2.

So the rules were suspended.

Senate bill No. 352. A bill to fix the times of holding the Common Pleas Courts in the several counties of the Fifteenth Common Pleas District, the duration of the terms thereof, making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith.

Was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven Church Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner and Wolcott—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Johnson, of Montgomery, asked and obtained leave of absence until Thursday next, at noon.

REPORTS FROM STANDING COMMITTEES.

Mr. Wolcott, from the Committee on Finance, submitted the following report:

MR. PRESIDENT :

Your Committee on Finance, to whom was referred House bill No. 311, A bill making specific appropriations for the year one thousand eight hundred and sixty-nine, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and when so amended they respectfully recommend its passage.

Amend by striking out all of section 5.

Amend by striking out the words "thirty-two dollars," in section 19, and inserting the words "twenty-three dollars and four cents."

Amend by striking out the words "twenty-three dollars and fifty cents," in section 20, and inserting the words "sixteen dollars and ninety-two cents."

Amend by striking out the words "twenty-four dollars," in section 21, and inserting the words "seventeen dollars and twenty-eight cents."

Amend by striking out the words "thirty-six dollars and twenty-five cents," in section 22, and inserting the words "twenty-six dollars and ten cents."

Amend further by inserting the following sections before the section declaring an emergency :

SEC. —. That James Blake be allowed the sum of two hundred and fifty dollars, for services rendered as commissioner for the State of Indiana of the Board of Managers of the Soldiers' National Cemetery at Gettysburg.

SEC. —. That L. S. Newell be allowed the sum of fifty dollars, for music furnished the pupils of the Institute for the Blind.

SEC. —. That William Hannaman be allowed the sum of twenty-seven hundred dollars, for services as Military Claim Agent in the City of Indianapolis, from April 1, 1867, to October 1, 1868.

SEC. —. That the Columbus and Indianapolis Central Railway be allowed the sum of sixteen dollars and thirteen cents for transportation of men furnished by order of Gov. O. P. Morton.

SEC. — That R. J. Bright, publisher of the "Indianapolis Daily Sentinel," be allowed the sum of five hundred and seventy-eight dollars and thirty-four cents; that the Commercial Company, publishers of the "Daily Evening Commercial," be allowed the sum of five hundred and thirty-three dollars and fifty-two cents; that Harding, Morton & Finch, publishers of "The Daily Evening Mirror," be allowed the sum of five hundred and thirty-three dollars and fifty-two cents; that the "Daily Telegraph" Company be allowed the sum of four hundred and forty dollars and sixty-four cents; that Julius Bœtticher, publisher of the "Weekly Indiana Volksblatt," be allowed the sum of sixty dollars and forty-eight cents," and that Douglass & Conner, publishers of the "Indianapolis Daily Journal," be allowed the sum of five hundred and seventy-eight dollars and thirty-four cents; all for papers enveloped and stamped, and for papers furnished loose to the members and elective officers of the Senate as per contract.

SEC. —. That Julius Bœtticher be allowed the sum of three hundred and forty-six dollars and eight cents, for 4,944 wrapped and stamped copies of the "Weekly Indiana Volksblatt," furnished the officers and members of the House of Representatives as per contract.

SEC. —. That Douglass & Conner be allowed the sum of one hundred dollars for blanks and blank books furnished for use of the Senate.

SEC. —. That W. H. Talbot, surviving partner of the firm of Talbot & Costigan and Eliza C. Costigan, as trustee of the heirs of Francis Costigan, deceased, be allowed the sum of seven thousand five hundred and one dollars and thirty-four cents, for articles

and materials purchased with the private means of Talbot & Costigan, and used by the State in the construction of the State Prison North.

SEC. —. That Samuel McCormick be allowed the sum of one hundred and forty dollars and fifty-two cents; that Bedee Johnson be allowed the sum of two hundred and thirty-eight dollars and forty cents; that John Starner be allowed the sum of seventy-six dollars and thirty-two cents; that L. M. Walker be allowed the sum of fifty-one dollars and ninety-five cents; that John Kimberlain be allowed the sum of fifty dollars and twenty cents; that William Hart be allowed the sum of thirty-two dollars; that William Fritzland be allowed the sum of nineteen dollars and twenty cents; that John Johnson be allowed the sum of twenty dollars and twenty-five cents; that Daniel Hart be allowed the sum of twenty-two dollars and forty cents; that William McGowan be allowed the sum of forty-five dollars; that Thomas Wells be allowed the sum of twenty-eight dollars and twenty-five cents; that George Love be allowed the sum of fifty-five dollars and seventy cents; that Jonathan Hart be allowed the sum of thirty-nine dollars; that Philip Solomon be allowed the sum of thirty-five dollars and fifty cents; that George Mayfield be allowed the sum of thirty-seven dollars; that John Rotramel be allowed the sum of fifty seven dollars and twenty-five cents; that John McConnell be allowed the sum of fifty dollars; that Daniel B. Johnson be allowed the sum of nineteen dollars and fifty cents; that R. W. Pearce be allowed the sum of twenty-three dollars, and that Turner W. Johnson be allowed the sum of thirty-three dollars and fifty cents, on account of moneys paid out by them for board and traveling expenses while defending suits instituted against them for arrests made while acting under orders as officers and soldiers of the Indiana Militia. That O. M. Wilson, Secretary of the Senate, and W. A. Bonham, Assistant Secretary of the Senate, be each allowed the sum of one hundred and fifty dollars, for indexing, correcting proof, and preparing abstracts for the Senate Journal of the regular session 1869. That O. M. Wilson, Secretary of the Senate, and W. A. Bonham, Assistant Secretary of the Senate, be each allowed the sum of one hundred and fifty dollars for indexing, correcting proof, and preparing abstracts for the Senate Journal of the special session 1869.

SEC. —. That Martin Igoe be allowed the sum of two hundred

and eighty two dollars and twenty-one cents, to reimburse him for private money paid out by him on account of articles purchased for hospital while Quarter-master at Camp Morton, payable on the order of the Adjutant General, where a proper voucher is filed in the Adjutant General's office.

SEC. —. That the sum of seven hundred and fifty dollars be allowed for attorneys fees in the case of *The State of Indiana v. The Central Canal Company*, payable upon the order of the Governor.

SEC. —. That John Lefler be allowed the sum of eighty dollars, amount of principal and interest on a sum of money paid by him for forty acres of swamp land situated in Jasper county, on the 18th day of November, 1859, to the State of Indiana, which land had already been sold and conveyed to one William Duff.

SEC. —. That D. J. Jackson, ex-clerk of Jasper county, be allowed the sum of sixteen dollars and two cents, fees in civil action brought by the State against Alexander Kent, and afterward dismissed.

SEC. —. That D. J. Jackson be allowed the sum of sixteen dollars and sixty-five cents, fees in civil action brought by the State against Bella C. Kent, and afterward dismissed.

SEC. —. That Thomas Brown be allowed the sum of twenty-five dollars for attendance as Assistant Secretary of the Senate at the organization of the regular session 1869.

SEC. —. That Thomas Brown be allowed the sum of twenty-five dollars for appearing before, and attending upon the Committee on Claims, in pursuance of a resolution of the Senate.

SEC. —. That Thomas P. Otwell be allowed the sum of seventy-five dollars, for services as Assistant Doorkeeper of the Senate from January 20, 1869, to February 5, 1869.

SEC. —. That Ramsay & Hanning be allowed the sum of thirty dollars and sixty cents, for repairing and furnishing gas fixtures for the State House.

SEC. —. That Elisha Lyon be allowed the sum of thirty-four dollars and eighty cents; that Esther Brickley, administratrix of the estate of Andrew Brickley, be allowed the sum of thirty-four dollars; that John M. Vanhorn be allowed the sum of thirty-five dollars and eighty cents; that Thomas Dougherty be allowed the sum of thirty-five dollars; that F. M. Taughinbaugh be allowed the sum of thirty-five dollars, and that Thomas B. Longfellow be allowed the sum of thirty-six dollars and eighty cents, for attendance as witnesses before the Committee on Arbitrary Arrests in 1863, and for mileage to and from Indianapolis.

SEC. —. That E. W. Halford be allowed the sum of two hundred and fifty dollars, for services in Sanitary Department.

SEC. —. That Wm. & J. Braden be allowed the sum of one hundred and five dollars and three cents, for stationery furnished General H. B. Carrington while commanding the Indiana Legion.

SEC. —. That Messrs. Kay & Brother, of Philadelphia, be allowed the sum of one hundred and twenty-seven dollars and fifty cents, for fifty-one copies of Wilson's Digest of Parliamentary Law, as ordered by the Senate.

SEC. —. That J. A. Coburn be allowed the sum of thirty-one thousand eight hundred and thirteen dollars and ninety-five cents, being a commission of two per cent. on the amount of claims of the State of Indiana against the United States settled by said Coburn, such allowance being in conformity with a contract with said Coburn, made by the Adjutant General of this State and authorized by the Governor.

SEC. —. That the sum of ——— dollars be allowed to John A. Wilstach, in full of all salary and expenses connected with his appointment as Commissioner for the encouragement of emigration.

SEC. —. That two thousand dollars be allowed for the erection of a boiler house, and for removing and refixing the boiler and heating apparatus for the State Prison North.

Mr. Carson moved that the bill lie on the table, one hundred copies be printed, and be made the special order for Monday next at 2 o'clock, p. m., in Committee of the Whole Senate.

Which was agreed to.

Mr. Carson, from a special committee, made the following report:

MR. PRESIDENT :

The special committee to whom was referred House bill No. 53, A bill to regulate the mileage of sheriffs in conveying convicts to the State Prison, and repealing all laws in conflict herewith, having had the same under consideration, have directed me to report the same back to the Senate with the following amendments, and when so amended, recommend the passage of the bill.

Amend by inserting in line 4 the following words :

From Decatur county 150 miles.

Also, by striking out of line 18, page 2, the figures 129 and insert 135.

Also, by striking out of line 6, on page 3, the figures 138, and inserting 100.

Also, by striking out of line 13, on page 3, the figures 108 and inserting 125.

Also, by striking out of line 14, page 3, the figures 115 and inserting 91.

Also, by striking out of line 17, page 4, the figures 112, and inserting 120.

Also, by striking out of line 24, page 3, the figures 97, and inserting 105.

Which report was concurred in and the amendments adopted.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Mont-

gomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner and Wolcott—44.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Lee moved to suspend the order of business, and take up

House bill No. 83. A bill to amend sections sixteen, seventeen and eighteen of an act entitled, "An act regulating the fees and mileage of witnesses and jurors, and declaring an emergency.

Which was agreed to, and the bill read a second time.

Mr. Turner offered the following amendment:

Strike out all except that part in relation to witnesses.

Which was agreed to.

Mr. Lee moved the rules be suspended and the bill put upon its passage.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith, Taggart, Turner and Wolcott—40.

No Senator voting in the negative.

So the rules were suspended.

By the unanimous consent of the Senate, Mr. Carson offered the following amendment:

Provided, That the provisions of this act shall not apply to any witness resident within the corporate limits of any town or city in which the court is held.

Which was not adopted.

Mr. Bradley, by unanimous consent of the Senate, offered the following amendment:

Amend the first section as follows:

Strike out \$1 50 wherever it occurs, and insert in lieu thereof \$2 00.

Mr. Johnson, of Spencer, moved to lay the bill, with the pending amendments, upon the table.

Which was not agreed to.

Mr. Lasselle moved the previous question,

Which was seconded by the Senate.

The question being on the adoption of the amendment proposed by Mr. Bradley.

The ayes and noes were demanded by Messrs. Bradley and Carson.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Gray, Henderson, Huey, Humphreys, Johnson of Spencer, Johnson of Montgomery, Lee, Rice, Reynolds, Scott and Taggart—14.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hamilton, Henderson, Hess, Hooper, Huffman, Jaquess, Kinley, Lasselle, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur, Smith, Turner and Wolcott—28.

So the amendment was not adopted.

S. J. Ex. S.—23.

By unanimous consent of the Senate, Mr. Bellamy moved to strike out the old sections recited.

Which was agreed to, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bird, Case, Denbo, Elliott, Gifford, Gray, Henderson, Hess, Huey, Huffman, Humphreys, Johnson of Montgomery, Kinley, Lasselle, Lee, Montgomery, Reynolds, Taggart and Turner—21.

Those who voted in the negative were,

Messrs. Bradley, Carson, Caven, Church, Fisher, Fosdick, Green, Hamilton, Hooper, Jaquess, Johnson of Spencer, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Smith and Wolcott—18.

So the bill failed for want of a constitutional majority.

Mr. Hooper moved to take up Senate bills on their second reading.

Which was agreed to.

Mr. Beardsley asked and obtained leave of absence for Mr. Hadley, until Monday next.

Senate bill No. 304. An act to amend an amendment of section two of an act entitled, "An act prescribing the powers and duties of Justices of the Peace in State prosecutions, approved December 2, 1865, so as to authorize the service by any constable or sheriff of any county, of a warrant throughout the State."

Was read a second time, and the following amendment reported by the committee adopted:

Amend by striking out all of said bill, after the word act, in the third line of section one, to and including the word found, in line eighteen of said section.

The bill and amendments were then ordered to be engrossed, and passed to a third reading on to-morrow.

Senate bill No. 235. A bill to render taxation for common school purposes uniform, regardless of the race or color of the persons to be taxed, and to extend the benefits of the common school system to colored children.

Was taken up.

Mr. Fisher moved to lay the bill on the table.

Which was agreed to.

Mr. Carson moved to suspend the order of business, and take up House bill No. 170.

Which was not agreed to.

Senate bill No. 339. A bill to amend the third section of an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852,

Was read a second time, ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Morgan moved to suspend the order of business, and take up House bill No. 170, read it by title, and make it the special order for to-morrow, at ten o'clock A. M.

Mr. Church moved to lay that motion on the table.

Messrs. Morgan and Gifford demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Case, Church, Fosdick, Hamilton, Hooper, Huey, Jaquess, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Sherrod—16.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Caven, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hanna, Henderson, Hess, Huffman, Hum-

phreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselie, Morgan, Smith, Stein, Taggart, Turner and Wolcott—25.

So the motion to lie upon the table did not prevail.

The question being on the motion of Mr. Morgan, to suspend the order of business,

Mr. Bradley moved a division of the question.

The ayes and noes were demanded by Messrs. Carson and Morgan.

Those who voted in the affirmative were,

Messrs. Bellamy, Bird, Bradley, Carson, Caven, Cravens, Elliott, Fosdick, Gifford, Gray, Green, Henderson, Hess, Huffman, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lasselie, Morgan, Smith, Stein, Taggart, Turner and Wolcott—25.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Case, Church, Fisher, Hamilton, Hanna, Hooper, Huey, Jaquess, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott and Sherrod—16.

So the order of business was suspended, and the bill was taken up and read by its title.

The question then being on the motion to make the bill the special order for to-morrow, at ten o'clock A. M.,

Mr. Carson demanded the previous question,

Which was seconded by the Senate.

The question being on the motion making it the special order for to-morrow, at ten o'clock A. M.,

The ayes and noes were demanded by Messrs. Gray and Carson.

Those who voted in the affirmative were,

Messrs. Carson, Caven, Elliott, Gifford, Gray, Green, Henderson, Hess, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Smith, Taggart, Turner and Wolcott—18.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Church, Cravens, Denbo, Fisher, Fosdick, Hamilton, Hanna, Hooper, Huey, Jaquess, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod and Stein—24.

So the motion did not prevail.

Mr. Rice moved to refer the bill to the Committee on the Judiciary.

Mr. Gray moved to amend the motion, by instructing the Committee to report by next Tuesday, at two o'clock p. m.

Mr. Turner demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Sherrod, Smith, Taggart, Turner and Wolcott—41.

Mr. Hooper moved to dispense with further proceedings under the call.

Which was agreed to.

On motion of Mr. Stein, the Senate adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The Senate met.

By unanimous consent, Mr. Sherrod introduced

Senate bill No. 354. An act to authorize the purchase of a residence for the Executive of the State, and appropriating seventy thousand dollars for the purpose of paying therefor.

Was read a first time, and passed to a second reading on tomorrow.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House enrolled act No. 205, an act to fix the time and length of term for holding the circuit court in the county of Marshall.

Also, House enrolled act No. 225, an act to provide for holding the court of Common Pleas in the counties of Laport and Marshall, and to repeal the law now in force in relation thereto.

And the same are herewith transmitted for the signature of the President of the Senate.

Mr. Bellamy offered the following resolution:

Resolved, That no Senator shall occupy more than five minutes in speaking on any question unless general consent be given to proceed.

Mr. Fisher moved to amend the resolution by striking out "five" and inserting "fifteen" minutes.

Mr. Church moved to amend by inserting "ten" minutes.

Mr. Church's motion having precedence, it was agreed to.

The resolution as amended was then adopted.

Mr. Kinley asked and obtained leave of absence for Mr. Armstrong, on account of sickness.

The President announced the question pending at adjournment to be the adoption of the amendment offered by Mr. Gray to the motion of Mr. Rice to refer House bill No. 170 to the Committee on the Judiciary.

The President ruled that the amendment offered by Mr. Gray was out of order.

The question being upon the adoption of Mr. Rice's motion to refer,

The ayes and noes were demanded by Messrs. Carson and Morgan.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Case, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Hamilton, Hanna, Hooper, Huey, Huffman, Jaquess, Montgomery, Rice, Reynolds, Robinson of Decatur, Scott, and Sherrod—24.

Those who voted in the negative were,

Messrs. Carson, Caven, Elliott, Gray, Green, Henderson, Hess, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Smith, Stein, Taggart, Turner, and Wolcott—18.

So the bill was so referred.

Mr. Gray moved to suspend the order of business to enable him to introduce a resolution.

The ayes and noes were demanded by Messrs. Bradley and Church.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Carson, Case, Caven, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Henderson, Hess, Huey, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Morgan, Robinson of Decatur, Smith, Taggart, Turner, and Wolcott—24.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Church, Cravens, Fisher, Ham-

ilton, Hanna, Hooper, Huffman, Jaquess, Lee, Montgomery, Rice, Reynolds, Scott, Sherrod, and Stein—18.

So the order of business was suspended.

Mr. Gray offered the following resolution :

Resolved, That the Judiciary Committee, to whom was referred House bill No. 170, be instructed to report the same back to the Senate, with or without amendments, on next Tuesday at 2 o'clock P. M.

The question being on the adoption of the resolution,

Messrs. Humphreys and Carson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bellamy, Carson, Caven, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Henderson, Hess, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Robinson of Decatur, Smith, Stein, Taggart, Turner, and Wolcott—23.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Case, Church, Cravens, Fisher, Hamilton, Hanna, Hooper, Huey, Huffman, Jaquess, Montgomery, Rice, Reynolds, Scott, and Sherrod—19.

So the resolution was adopted.

Mr. Stein appeals from the decision of the Chair as follows :

The Senator from Parke having moved to commit the pending bill to the Judiciary Committee, and the Senator from Randolph having moved to amend the motion so that the committee be instructed to report by next Tuesday at 2 o'clock P. M., the Lieutenant Governor ruled the motion of the Senator from Randolph out of order, from which ruling the Senators from Tippecanoe and Davis appeal to the Senate.

JOHN A. STEIN,
WM. S. TURNER.

Mr. Bellamy moved to lay the appeal upon the table.

Which was agreed to.

Mr. Andrews moved to suspend the order of business, and take up

House bill No. 24. A bill regulating the standing of the medical profession, declaring who may practice medicine, and providing penalties for its violation.

Which was agreed to.

Mr. Andrews moved that the rules be suspended, and that the bill be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Henderson, Hess, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Sherrod, Stein, Taggart, Turner, and Wolcott—34.

Those who voted in the negative were,

Messrs. Bird, Hamilton, Montgomery, and Smith—4.

So the rules were suspended, and the bill read a second time.

Mr. Gifford moved to refer the bill to the Committee on Medical Legislation, with instructions to strike out that portion requiring applicants for license to report at Indianapolis for examination.

Mr. Rice moved to amend by adding the following :

Amend the title to include druggists, and insert the following sections :

SEC. —. No person employed or in attendance at any drug store or apothecary shop shall prepare a medical prescription unless he has served two years' apprenticeship in a drug store, or is a graduate of a medical college or a college of pharmacy, except under the direct supervision of some person possessing some one of the before mentioned qualifications; nor shall any one having per-

manent charge as proprietor, or otherwise, in any store at which drugs are sold by retail, or at which medical prescriptions are put up for sale or use, permit the putting up or preparation thereof therein, by any person, unless such person has served two years as apprentice in a retail drug store, or is a graduate of a medical college or a college of pharmacy.

SEC. —. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding \$100, or by imprisonment not to exceed six months in the county jail; and in case of death ensuing from such violations, the person offending shall be deemed guilty of a felony, and be punished by a fine of not less than \$1,000, nor more than \$5,000, or by imprisonment in the State prison for a term of not less than two years, nor more than four years, or by both fine and imprisonment, in the discretion of the court.

Mr. Wolcott moved the indefinite postponement of the bill.

Which was not agreed to.

Mr. Green moved to amend further as follows:

Strike out all in relation to women.

The question being, shall the bill be so referred?

It was not agreed to.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bird, Bradley, Carson, Cravens, Fisher, Gifford, Gray, Henderson, Hess, Huey, Kinley, Morgan, Rice, Reynolds, Sherrod, Stein, Taggart, and Turner—19.

Those who voted in the negative were,

Messrs. Beardsley, Bellamy, Case, Caven, Church, Denbo, Elliott, Fosdick, Green, Hamilton, Hanna, Hooper, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnson of Montgomery, Lee, Mont-

gomery, Robinson of Madison, Robinson of Decatur, Scott, Smith, and Wolcott—24.

So the bill failed to pass.

Mr. Green offered the following resolution :

Resolved, That the Hon. John Purdue be invited to a seat on the floor of the Senate.

Which was adopted.

Mr. Fisher moved that the order of business be suspended, and House bill No. 156 be taken up.

Which was not agreed to.

Senate bill No. 340. An act to amend section 103 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws in conflict therewith;" approved March 11, 1861.

Was read a second time by its title, and referred to the Committee on the Judiciary.

Senate bill No. 341. An act authorizing the sale of real estate by trustees for the benefit of the *cestui que* trust, and prescribing the method.

Was read a second time by its title, and referred to the Committee on the Judiciary.

Senate bill No. 342. An act to amend the title of an act entitled "An act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, and wire or rope dancing, puppet show and legerdemain ; approved June 15, 1852.

Was read a second time, and, upon motion by Mr. Gray, was referred to the Committee on the Judiciary.

Senate bill No. 346. A bill to amend section 29 of an act entitled "An act to provide for a general system of common schools,

the officers thereof, their respective powers and duties and matters properly connected therewith, prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws in conflict therewith, and providing penalties therein prescribed.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 343. A bill supplemental to an act passed December, 1865, entitled An act to secure a just valuation and taxation of railroad property within this State, to legalize the valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property, made subsequent to the year 1859, and to amend sections 5 and 8 of the same act.

Was read a second time, and referred to the Committee on Corporations.

Senate bill No. 345. A bill to authorize the boards of commissioners of the several counties of this State to provide for the destruction of foxes therein.

Was read a second time by its title, and referred to the Committee on Agriculture.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 119. A bill making an appropriation of four hundred and thirteen thousand, five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan Raid.

In which the concurrence of the Senate is respectfully requested.

Senate bill No. 344. An act to legalize sales by guardians un-

der orders, defective in not prescribing that said sales shall be without notice.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 349. An act locating and providing for the management and control of the Indiana Industrial College, and accepting certain propositions in consideration of such location, and authorizing the issue of arms by the State to said College, and also empowering the commissioners of Marion county to issue bonds of said county in execution of the terms of a proposition of said county to donate bonds to said College.

Was read a second time by title, and on motion by Mr. Caven, was laid on the table.

Senate bill No. 350. A bill to authorize the Clerk of the Supreme Court of the State of Indiana to have the papers on file in his office, and the books and records of said office indexed, allowing a compensation therefor, and declaring an emergency.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 353. A bill repealing all laws in relation to criminal circuit courts and criminal courts.

Was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 241. A bill entitled an act to amend an act to incorporate the University of Notre Dame du Lac at South Bend, St. Joseph county, Indiana; approved Jan. 15, 1844.

Was read a third time.

Mr. Bellamy moved to lay it on the table.

Which was agreed to.

Senate bill No. 321. A bill supplemental to an act creating the Twenty-fourth Judicial Circuit.

Was read a third time, and, on motion of Mr. Bellamy, it was laid upon the table.

Senate bill No. 135. A bill to amend the 2d section of an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith, approved June 4, 1861, and providing a speedy remedy for the recovery of such real property in case of its non-redemption.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Caven, Church, Elliott, Hess, Jaquess, Rice and Robinson of Madison—10.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Carson, Case, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hooper, Huey, Huffman, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Morgan, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart and Wolcott—32.

So the bill failed.

Mr. Hanna moved to reconsider the vote by which Senate bill No. 321 was laid on the table.

Which was not agreed to.

Senate bill No. 197. An act to provide for an extended and improved system of education in the State of Indiana, by increasing and securing the endowment of the State University at Bloomington; endowing a law school and law library therein, by appropriating thereto any net revenues that may arise from the State Prisons, or either of them; providing free tuition in said University; establishing and endowing at Indianapolis a Medical Department

of said University; providing for contingent expenses connected therewith, and for the sale or lease of square number twenty-five in the city of Indianapolis; empowering said city to purchase said square; for the investment and management of the proceeds thereof, and the government of said Medical Department; declaring the State Normal School at Terre Haute a branch of said State University, and appropriating \$75,000 for the benefit thereof, and adding a trustee; accepting certain donations from the Commissioners of Tippecanoe county and others; establishing an Agricultural College in connection with said State University, and fixing and pledging its location, and providing for its organization and government, and adding a trustee, providing for matters pertaining to said subject, and declaring an emergency,

Was read a third time, and,

On motion of Mr. Fisher, was laid on the table.

By consent of the Senate, Mr. Bellamy made the following report:

MR. PRESIDENT:

The Committee on Phraseology and Enrolled Bills have compared enrolled Senate act No. 215, an act to authorize aid to the construction of railroads, by counties and townships taking stock in, and making donations to railroad companies, with the engrossed bill thereof, and find the same neatly and correctly enrolled.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the engrossed amendments of the Senate to House bill No. 176.

Senate bill No. 249. An act to provide for the construction and maintenance of fish ladders.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Henderson, Hess, Hooper, Huey, Jaquess, Johnson of Spencer, Johnson of Montgomery, Kinley, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein and Wolcott—30.

Those who voted in the negative were,

Messrs. Carson, Denbo, Hanna, Huffman, Humphreys, Lee, Montgomery, Rice, Smith and Taggart.—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 277. A bill regulating the employment of persons under sixteen years of age in cotton and woolen factories of this State, and providing for the education of such persons,

Was read a third time.

Mr. Jonnson, of Spencer, moved to lay the bill upon the table.

The ayes and noes were demanded by Messrs. Kinley and Bradley.

Those who voted in the affirmative were,

Messrs. Bird, Carson, Caven, Denbo, Fosdick, Gray, Hanna, Henderson, Hess, Huey, Huffman, Humphreys, Johnson of Spencer, Johnson of Montgomery, Kinley, Lee, Montgomery, Robinson of Madison, Robinson of Decatur, Smith, Stein and Taggart—22.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bradley, Case, Church, Elliott, Fisher, Gifford, Green, Hamilton, Morgan, Rice, Reynolds, Scott and Wolcott—15.

So the motion to lay upon the table prevailed.

Engrossed Senate Bill No. 254. A Bill to declare the intent and meaning of section twenty-seven of the Decedents' Law, of 1852,

Was read a third time, and,

On motion of Mr. Carson, was laid on the table.

Senate Bill No. 262. A Bill requiring certain pleadings of fact, in certain actions founded on bills of exchange, promissory notes and accounts, to be verified by affidavit,

Was read a third time, and,

On motion by Mr. Carson, was laid on the table.

Engrossed Senate Bill No. 276. An Act for the relief of heirs of Patrick Donovan, deceased.

Was read a third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Johntson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Stein, Taggart and Wolcott—35.

Those who voted in the negative were,

Messrs. Scott, Sherrod and Smith.—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has receded from its disagreement to Senate amendments to House Bill No. 90, and that the House has
S. J. Ex. S.—24.

adopted and passed the amendments of the Senate thereto, as set forth in the report of the Conference Committee of the two Houses on the said Bill, as reported to the House and Senate by said Committee.

On motion by Mr. Hooper,

Senate bill No. 262 was taken up.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Caven, Elliott, Fisher, Gray, Green, Hamilton, Hess, Hooper, Johnson of Spencer, Kinley, Reynolds, Robinson of Decatur, Scott, Stein and Wolcott—18.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Fosdick, Gifford, Hanna, Henderson, Huffman, Humphreys, Johnson of Montgomery, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Sherrod, Smith and Taggart—22.

So the bill failed.

Mr. Denbo moved that House Bill 119 be taken up.

Which was agreed to.

Engrossed House Bill No. 119. A Bill making an appropriation of four hundred and thirteen thousand five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan Raid,

Was read a first time, and passed to a second reading on tomorrow.

By unanimous consent of the Senate, Mr. Hooper made the following report:

MR. PRESIDENT:

The Committee on Phraseology, Arrangement of Bills and Enrolled Bills, have carefully examined Enrolled Senate Act No. 337,

an act to make appropriations for certain purposes and upon certain conditions, and making provisions for the current expenses of the Benevolent Institutions of the State, in cases where the State fails to make the necessary appropriations therefor, and find the same to be neatly and correctly enrolled.

On motion by Mr. Stein,

The Senate adjourned.

SATURDAY MORNING, 9 O'CLOCK, {
May 8, 1869. }

The Senate met.

On motion by Mr. Cravens, the reading of the Journal of yesterday was dispensed with.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill thereof, to-wit :

House Bill No. 325. A Bill to provide for the relocation of county seats, the erection of public buildings in case of such relocation, repealing all laws in conflict herewith, and declaring an emergency.

In which the concurrence of the Senate is respectfully requested.

Mr. Cravens moved to suspend the order of business, and take up Senate Bill No. 119 and read it a second time.

The ayes and noes were demanded by Messrs. Fisher and Carson.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Church, Cravens, Denbo, Gifford, Green, Hamilton, Hanna, Hess, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Stein, and Taggart—26.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Bradley, Carson, Fisher, Fosdick, Gray, Hooper, Jaquess, Scott, Smith, and Wolcott—13.

So the order of business was suspended.

House Bill No. 119. A Bill making an appropriation of four hundred and thirteen thousand five hundred and ninety-nine dollars and forty-eight cents (\$413,599.48) to pay the claims of the sufferers by the Morgan raid.

Was read a second time.

Mr. Cravens moved to refer the Bill to a Special Committee of five.

Mr. Wolcott moved to amend the motion to refer to a Special Committee of five, by referring it to the Committee on Claims.

Mr. Bellamy moved to lay the motion to amend upon the table.

Which was agreed to.

The question recurring upon the motion to refer to a Special committee of five,

It was agreed to.

The Committee was made to consist of Messrs. Cravens, Huffman, Bellamy, Denbo, and Rice.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House Bill No. 140, and that the House has passed the following additional amendment to said bill, in which the concurrence of the Senate is requested :

Amend by inserting at the proper place the following section :

SEC. —. That all laws or parts of laws coming in conflict with the provisions of this act are hereby repealed.

REPORTS FROM STANDING COMMITTEES.

Mr. Rice submitted the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred House Bill No. 105, entitled "A Bill to regulate and make uniform the prices charged by railroad companies for transferring goods, merchandise and material to and from stations on railroads in the State, and to require such railroad companies to carry passengers on freight trains, and providing penalties for its violation," have had the same under consideration, and do now report the same back to the Senate, and recommend that the Bill lie on the table.

Which report was concurred in.

Mr. Green, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred Senate Bill No. 319, entitled "A Bill declaring the incapacity of the sheriff and coroner in certain cases, and providing for an elisor and his compensation," have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Gray, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred Senate Bill No. 240, have had the same under consideration, and recommend its passage, with the following amendment, viz :

In section three, fifth line, change the words "one year" to "three years."

Which report was concurred in, and amendment adopted.

Mr. Hooper, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred House Bill No. 68. A Bill to amend sections thirteen and nineteen of chapter twelve, of "An Act, entitled 'An Act to repeal all general laws now in force for the incorporation of cities, and to appropriate for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'" approved March 14, 1867, report that they have had the same under consideration, and recommend its passage.

Which report was concurred in.

By consent of the Senate, Mr. Cravens made a report from a Select Committee :

MR. PRESIDENT :

The special committee to whom was referred the response of the House of Representatives to the resolution of the Senate on the subject of the reception, or exchange of messages, have had the same under consideration, and direct me to make the following report :

Your Committee beg leave to say, that the resolution of the Senate, based as it was, upon the communication of the Principal Secretary, that, "The Speaker of the House having given direction to the Doorkeeper of the House not to announce messages from the Senate while a member of the House has the floor for debate, and on the reception of reports," though decided in its character and positive in its terms, could only be regarded as the expression of the Senate, that the instruction of the Speaker was an infraction of the parliamentary rule in relation to the reception of messages, and an invitation to the House to return to the established usage in regard to this high and ancient privilege. Assuming the communication to be true,—and the Senate could not otherwise treat a plain statement by its confidential officer,—the resolution adopted and communicated to the House was a request to the House to adhere to a well known custom, or to inform the Senate if any attempt had been made to modify such usage.

To this resolution the House of Representatives responded "that the communication of Mr. O. M. Wilson, Secretary of the Senate, to that honorable body, and upon which said proceedings were had, is wholly untrue." The House, through its committee, further says: "Your Committee find that the Speaker gave no such directions; but, that after the Secretary of the Senate had, on several occasions, interrupted members of the House while engaged in brief debate, in order to present messages of the Senate, and after complaint and remonstrance had been made against such interruptions, the Speaker of the House directed the Doorkeeper, that when it was evident to him that a member engaged in debate would only occupy the floor for a minute or two of time, he should not be interrupted; but that if it was evident that any considerable time would be occupied by the member in addressing the House, the Doorkeeper should promptly announce the message from the Senate." The House, through its committee adds: "Your Committee are of the opinion that the said direction of the Speaker was extending to the Senate, in the prompt reception of its messages, a greater and more respectful courtesy than parliamentary law and usage prescribe."

Your Committee made several ineffectual efforts to have a meeting with a view to inquire into the question of the "frequent interruptions of the House by the Secretary of the Senate to present messages." Failing in securing a meeting and the attendance of witnesses, your Committee conversed freely with officers and members of the House, and find that the charge of interruption, as stated, was not such as to warrant the severe reflection on the Secretary as expressed by the House committee's report. It was not intended, as your Committee is informed by those who had an agency in giving expression to the House report, to affirm that the Secretary at any time delivered a Senate message without being first announced by the proper officer of the House. Hence, the cause of complaint, if any exists, was not with the Secretary of the Senate, but with the proper officer or usher of the House. But your Committee does not censure that officer, and only alludes to the fact in vindication of the messenger of this body. On the contrary, with the evidence before them, it is the opinion of your Committee that the Doorkeeper of the House only discharged a duty imposed upon him by the office he held. Whether the manner in which he

discharged that duty was in accordance with the views of propriety entertained by the House, your Committee will not undertake to decide. Why the House should remonstrate and complain, when the Secretary only presented his messages after he had been announced by the proper officer, your Committee will not undertake to determine, but fail to appreciate the logic by which the censure is imposed.

In support of the propriety of the instructions given by the Speaker of the House to the Doorkeeper of that body, the House Committee cites a paragraph from Cushing's *Law of Legislative Assemblies*, as follows: "But in the House to which a message is sent, it is the practice to suspend or discontinue the business in hand as soon as may be after the message is announced, so as not unnecessarily to detain the Messenger. * * * But if a member happens to be speaking at the time the messengers attend, it is not usual to receive them until the member has resumed his seat; but as this in some cases might amount to a very long detention, it is competent for the Speaker to interrupt the member speaking, or to interrupt a member in presenting a petition, to receive a message." But all this authority and discretion the Speaker seems to have transferred to the Doorkeeper, with limitations upon its exercise. But the House committee cautiously omitted the following sentence, which, in the authority quoted as above, occurs between the sentences so quoted: "Thus, if the House is in a Committee of the Whole when a message is sent to it, the Committee rises and the House is resumed for the purpose of receiving the message; so, when the House is engaged in debate, the business is suspended without a formal adjournment of the debate, and the message is received."

To refuse to receive a Messenger; to interrupt him in the discharge of his duties; unnecessarily to detain him and the message of which he is the bearer, or to confer upon a subordinate officer of either House the discretion to determine when or in what manner a message should be received, have been pronounced by standard authority (*Husband's Collections*) "a high breach of the privileges of Parliament." May, in his work entitled, "*Law Privileges and Proceedings of Parliament*," attaches great importance to messages between the Houses as a "high privilege," and says; "a question

is also liable to casual interruption and postponement from various causes, and among these, 'a message from the other House.'” John Hatsell, in his celebrated work, *Precedents of Proceedings in the House of Commons*, published in 1785 says, page 26 volume 3; “The admission of Messengers from the House of Lords is so much a matter of course, that we find, on the 15th of February, 1743, they were received in the middle of a debate, and the Speaker reported the message, and an answer was sent to the Lords: and all this without a formal adjournment of the debate.” In a note to this paragraph, the same author adds; “It would be for the mutual convenience of both Houses if this proceeding was adopted, and the Messengers from either House to the other were admitted at all times; it is a civility due to each other, and would be no interruption to public business.” The prompt reception of messages, and at all times, has been so much a matter of course, that any interruption or qualification of it are esteemed a breach of the privilege, and an infraction of the civilities that should characterize the necessary intercourse between the Houses. So highly is the observance of this courtesy regarded, that the Senate of the United States long since adopted, and still pursues the following rule: No. 47, “Messengers may be introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.” So in the House of Representatives of the United States. “It is the practice of the House to receive messages promptly upon the appearance of the Messenger, and without regard to the business in hand, and a call of the yeas and nays is not unfrequently suspended for the same purpose;” Barclay’s Digest, page 128.

Other authorities might be adduced in support of the view herein expressed, but their multiplication would be unnecessary to maintain a proposition now so universally recognized. The necessity for rigid adherence to the established usage is realized in the fact, that legislation is more extensively and more rapidly transacted than in former times, and hence the communications from one House to the other are far more frequent. The House Committee refers to the action of the Senate in 1865 on this subject, as more “stringent than the rule contemplated by the House.” The action referred to has not been repeated or adopted by any subsequent session of the Senate, and can only be regarded by your Committee as an infraction of the well established law on this subject.

Whether the Senate resolution, requesting the House to receive messages of the Senate according to the usages of Parliamentary law, was expressed in language sufficiently courteous or not, founded as it was upon the statement of the Secretary, the House Committee has relieved your Committee from all embarrassment in deciding; for that Committee frankly admits that the Speaker directed the Doorkeeper of the House substantially as stated by the Secretary. Being true, as stated, and the Senate could presume nothing else, the request made of the House cannot be deemed "discourteous" or "disrespectful." Neither would your Committee recommend a concurrence in the resolution of the House, that the Senate "will mete out to said subordinate officer such punishment as may be proper in the premises," for, from the admissions of the House Committee, that the Speaker instructed the Doorkeeper as reported to the Senate by the Secretary, your Committee is of the opinion that the Secretary of the Senate has not been guilty of any offence, and is therefore not deserving of any censure or punishment.

JOHN R. CRAVENS, *Chairman*,
T. N. RICE,
THOS. GIFFORD.

On motion of Mr. Robinson of Madison, the Message from the House containing amendments to House Bill No. 140, was taken up, and the amendments therein contained,

Were concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the accompanying concurrent resolution, directing the Adjutant General to present the claim of Indiana on account of the Morgan Raid, to the Commission now in session in Indianapolis.

In which the concurrence of the House is respectfully requested.

Mr. Wolcott moved to take up the Message from the House, containing the following concurrent resolution on Morgan Raid Claim Bill.

Resolved, By the House of Representatives, the Senate concurring, that the Adjutant General of the State be, and is hereby directed, to file in the proper form, the claim of the State of Indiana, against the General Government, before the Government Commission now in session in Indianapolis, for the amount assuming by her in paying the losses to the citizens of the State by reason of the Morgan Raid, and to use all proper means to secure its early allowance and adjustment by said Commission.

Which upon motion was laid on the table.

Mr. Stein asked leave of absence for Mr. Lee until Monday.

Which was granted.

Mr. Jaquess offered the following resolution :

Resolved, That the Senate make the following special order and that it proceed to-day, (Saturday,) at ten o'clock A. M., to execute the same as follows :

The roll of Senators shall be called, and each Senator shall be allowed to designate one Bill by number, and that the Senate then proceed to consider the Bill thus designated in the alphabetical order of the name of the Senators so selecting, and that this shall be the special order until completed, *Provided, however*, That it shall be in order to consider the Specific Appropriation Bill at the time fixed for its consideration. *And provided further*, That no Special Order already made by the Senate, shall be interfered with by the operation of this resolution.

Which was not adopted.

Mr. Fosdick from the Committee on Fees and Salaries, made the following report :

MR. PRESIDENT :

Your Committee on Fees and Salaries to whom was referred the resolution in relation to the pay of mileage to the Committee on State Prisons, have had the same under consideration and a majority of the Committee have instructed me to report it back with the recommendation that it lie upon the table.

Which report was referred to a Special Committee of three.

Messrs. Gifford, Elliott and Huffman, were appointed said Committee.

Mr. Robinson of Decatur, moved to take up House Bills on first reading.

Which was not agreed to.

Mr. Scott from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on the Judiciary to whom was referred Senate Bill No. 346, introduced by Senator Gray, entitled "a Bill to amend section twenty-nine of "An Act entitled 'An Act to provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws in conflict therewith, and providing penalties therein prescribed,'" report that they have had the same under consideration, and upon the adoption of the accompanying amendments, respectfully recommend the passage of said Bill.

Amend the title by adding thereto the words, approved March 6, 1865.

Which report was concurred in, and the amendment adopted.

Mr. Scott from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on the Judiciary to whom was referred Senate bill No. 344, introduced by Senator Hawk, entitled "An Act to legalize sales by guardians, under order, defective, in not prescribing that said sales shall be without notice," report that they have had

the same under consideration and respectfully recommend that said Bill lie upon the table.

Which report was concurred in.

Mr. Robinson of Madison, from the Committee on the Judiciary made the following report :

MR. PRESIDENT :

Your Committee on the Judiciary to whom was referred Senate bill No. 340, introduced by Senator Andrews, entitled "An Act to amend section 103 of "An Act entitled An Act to provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861, report that they have had the same under consideration, and respectfully recommend the passage of said bill.

Which was concurred in.

Mr. Johtnson, of Montgomery, moved to suspend the order of business, and take up Senate Bills on third reading.

Mr. Kinley moved to amend by making it House Bills on first reading.

Which was not agreed to.

The question recurring on the motion of Mr. Johtnson, of Montgomery,

It was adopted.

Engrossed Senate Bill No. 244. "An Act to amend An Act entitled "An act to provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental section thereto."

Was read a third time.

On motion of Mr. Robinson, of Madison, it was laid upon the table.

Mr. Stein asked and obtained leave of absence for the balance of the day.

Mr. Fosdick asked and obtained leave of absence until Monday.

Mr. Robinson, of Decatur, asked and obtained leave of absence until Monday.

Engrossed Senate Bill No. 22. A Bill to regulate interest on judgments and decrees.

Was read a third time.

On motion of Mr. Beardsley, the Bill was laid on the table.

Engrossed Senate Bill No. 61. A Bill providing for amendments of pleadings and papers in all proceedings of the courts of the State.

Was read a third time.

On motion of Mr. Hanna, the Bill was laid on the table.

Senate bill No. 78. A bill to repeal section eighteen of an act entitled "An act regulating decents and the apportionment of estates," approved May 14, 1852.

Was read a third time.

Mr. Rice moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bradley, Cravens, Gray, Green, Hamilton, Huffman, Johnston of Spencer, and Morgan—8.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bird, Carson, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnstson of Montgomery, Kinley, Montgomery, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Taggart, and Wolcott—29.

So the Bill failed to pass.

By unanimous consent of the Senate, Mr. Rice, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate Bill No. 343, entitled "A Bill supplemental to 'An Act passed December, 1865, entitled "An Act to secure a just valuation and taxation of railroad property within this State, etc.,"' have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that it do pass.

Which report was concurred in.

Mr. Fisher offered the following resolution:

Resolved, That the Special Order for the 11th day of May, viz: the Fifteenth Amendment to the Constitution of the United States, when taken up on that day, shall be further postponed to Friday, the 14th day of May, at 2½ o'clock, and made the Special Order for that hour.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Carson and Huffman.

Those who voted in the affirmative were,

Messrs. Andrews, Bradley, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnstson of Montgomery, Morgan, Rice, Robinson of Madison, Scott, Sherrod, Taggart, and Turner—29.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Carson, Cravens, Hooper, Kinley, Montgomery, Reynolds, Smith, and Wolcott—10.

So the resolution was adopted.

Senate Bill No. 150. A Bill defining the Common School system of this State.

Was read a third time.

By unanimous consent of the Senate, Mr. Kinley moved to amend by striking out "State Industrial School," and insert "Perdue University."

Which was agreed to.

Mr. Johntson, of Montgomery, moved to lay the Bill on the table.

Which was not agreed to.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Case, Church, Elliott, Gifford, Green, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, and Robinson of Madison—16.

Those who voted in the negative were,

Messrs. Andrews, Bradley, Carson, Denbo, Fisher, Gray, Hanna, Henderson, Huey, Huffman, Humphreys, Johntson of Montgomery, Scott, Sherrod, Smith, Taggart, and Turner—18.

So the Bill failed to pass.

By unanimous consent of the Senate, Mr. Church offered the following resolution:

Resolved, That when the Senate adjourn, it be until Monday at 10 o'clock A. M.

Which was adopted.

Mr. Hess, by unanimous consent of the Senate, offered the following resolution :

WHEREAS, The report of the special committee on employees of the Senate, made on yesterday, discharges one clerk in the employ of the Assistant Secretary ; therefore be it

Resolved, That the Assistant Secretary be instructed to retain the original and experienced clerk, instead of one inexperienced.

Mr. Fisher moved that the resolution lie on the table.

Which was agreed to.

Engrossed Senate Bill No. 278. A Bill concerning appeals in cases of contempt.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffinan, Humphreys, Jaquess, Johnstson of Spencer, Johnson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Taggart and Turner—35.

Mr. Smith voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Beardsley moved that the Senate do now adjourn.

Which was not agreed to.

Engrossed Senate Bill No. 284. An Act to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith,

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Gifford, Gray, Green, Hanna, Henderson, Hess, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnstson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Taggart, Turner and Wood—34.

Mr. Denbo voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate Bill No. 293. An Act to amend the thirty-fifth section of an act defining felonies, and prescribing punishment therefor, approved June 10, 1852.

Was read a third time.

By unanimous consent of the Senate, Mr. Bradley offered the following amendment:

Add, in the proper place, the words, with intent to defraud any person.

Which was adopted.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bradley, Case, Caven, Church, Cravens, Denbo, Eliot, Fisher, Gifford, Gray, Green, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnstson of Montgomery, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Taggart, Turner and Wood—33.

Mr. Bird voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Scott moved to take up Senate Bill No. 277, and refer it to the Committee on Rights and Privileges of the Inhabitants of the State, with the following instructions:

Recommit the Bill to a Select Committee of three, with instructions to amend in the following particulars:

Strike out the word "sixteen" wherever it occurs, and insert "twelve," so as to make the prohibition apply only to children under twelve years of age.

Strike out "eleven" and insert "ten," as the number of hours such children shall be permitted to labor.

Also, add at the proper place the words, "with intent to defraud any person."

On motion by Mr. Gray, Senate Bill No. 109 was taken up, and placed upon the files.

Upon motion by Mr. Hanna, all Bills that failed for want of a constitutional majority, were placed upon the files.

On motion by Mr. Green, the Senate adjourned.

MONDAY MORNING, 9 O'CLOCK. }
 May 10, 1869. }

The Senate met.

On motion of Mr. Jaquess, the reading of Saturday's Journal was dispensed with.

On motion of Mr. Kinley, House bills on first reading were taken up.

HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 114. A Bill to amend the fifth section of an Act approved March 6, 1865, entitled An Act to provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Was read a first time, and passed to a second reading on tomorrow.

On motion of Mr. Bradley, the order of business was suspended, and the following message, just received from the House, was taken up.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed Senate Engrossed Bill No. 239.

A Bill authorizing the classification of the Boards of Directors of railroad companies,

And the same is herewith returned to the Senate.

Also, that the House has passed Senate Engrossed Bill No. 134. A Bill to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands, by incorporated associations, and to repeal all former laws relating to the same subject, with the accompanying engrossed amendments of the House thereto,

In which the concurrence of the Senate is respectfully requested.

And the following Engrossed House amendments to Engrossed Senate Bill No. 134, were concurred in, to-wit:

1st. Amend section 6 by inserting therein after the end of the first proviso, the following, to-wit: "And provided further, that any person who is under legal disabilities at the time of the making and filing of such schedule, shall have the right of appeal as aforesaid, at any time within thirty days after the removal of such disabilities.

2d. Strike out "estimates," in the 7th section, and insert "assessments."

3d. Amend by adding to the end of section 17 the following:

Provided, that nothing in this act contained shall be held or construed to modify or repeal, in whole or in part, An Act entitled "An Act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith;" approved March 11, 1867.

House Joint Resolution No. 8. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law removing all disabilities under existing laws because of volunteers who left the service of their command after the 15th of April, 1865.

Was read a first time, and, on motion of Mr. Fisher, was laid on the table.

Engrossed House Bill No. 194. A Bill to provide for the publication and distribution of the annual reports of the Indiana State Board of Agriculture, and of the Indiana State Horticultural Society.

Was read a first time, and passed to a second reading on tomorrow.

Engrossed House Bill No. 321. A Bill to amend an Act entitled "An Act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of the principal and interest of such bonds.

Was read a first time and passed to a second reading on tomorrow.

Engrossed House Bill No. 198. A Bill to amend the 19th section of an act approved June 11, 1852, entitled An Act defining felonies and prescribing punishment therefor.

Was read a first time, and passed to a second reading on tomorrow.

Engrossed House Bill No. 104. A Bill to amend section 397 of an act entitled "An Act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18, 1852.

Was read a first time, and passed to a second reading on tomorrow.

Engrossed House Bill No. 186. A Bill providing for proceedings supplementary to execution in courts of justices of the peace.

Was read a first time, and passed to a second reading on to-morrow.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the Engrossed amendments of the Senate to House bill No. 11. Also, that the House has concurred in the engrossed amendments of the Senate to House Bill No. 203.

Engrossed House Bill No. 294. A Bill for the relief of the heirs of Patrick Donovan, deceased.

Was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 79. A Bill to provide for the erection and repair of bridges, and to repeal all laws in conflict therewith.

Was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 168. A Bill for the encouragement of the destruction of foxes and wild cats.

Was read a first time and passed to a second reading on to-morrow.

Engrossed House Bill No. 213. A Bill prescribing the duties of county auditors in relation to cancelled county orders, and statements of property listed by appraisers and assessors.

Was read a first time, and passed to a second reading on to-morrow.

Engrossed House Bill No. 95. A Bill for the relief of John Ingle and John Ingle, jr.

Was read a first time, and passed to a second reading on to-morrow

Message from the House by Mr. Merwin, Clerk thereof:

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Engrossed Senate Bill No. 51, A bill to amend section 9, and repealing part of an act entitled "An act concerning partition of lands;" approved May 20, 1852.

And the same is herewith returned to the Senate. Also,

That the House has passed Senate engrossed bill No. 64, A Bill authorizing voluntary associations formed under an Act entitled "An Act concerning the organization of voluntary associations, and repealing former laws in reference thereto," passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places, with the accompanying engrossed amendments of the House.

In which the Senate is respectfully requested to concur.

Engrossed House Bill No. 158. A Bill to amend section 23 of an Act entitled "An Act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana," etc.; approved June 21, 1862.

Was read a first time, and passed to a second reading on tomorrow.

On motion of Mr. Wolcott, the order of business was suspended, and House message, containing amendments to Senate Bill No. 64, was taken up, and the following amendments therein contained were concurred in, to-wit:

Amend, by adding to section two the following:

"And in addition thereto, such reasonable quantity of adjoining lands, as the public convenience of the neighborhood may from time to time require, for burial purposes."

Add the following section:

SEC. 5. Whereas, an emergency exists, therefore this act shall be in force from and after its passage.

Amend the title as follows:

“And acquire additional adjoining lands for burial purposes, and declaring an emergency.”

The following House concurrent resolution was adopted :

Resolved, By the House of Representatives, the Senate concurring, that the Secretary of State shall cause to be printed and distributed to the several counties of the State, 10,000 copies of the road law, in pamphlet form, for the use of supervisors.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed Engrossed Senate Bill No. 286. A Bill supplementary to an Act entitled, “An Act to incorporate the Franklin Insurance Company,” approved February 13, 1851, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law.

And the same is herewith returned to the Senate.

Also, that the House has passed Senate Engrossed Bill No. 246. A Bill to amend sections four, thirteen and fifteen of an Act entitled, “An Act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows,” approved March 11, 1867, and supplementary to said act, with the accompanying engrossed amendments of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The following House concurrent resolution was adopted :

Resolved, By the House of Representatives, the Senate concurring, that the Chaplains of the Southern and Northern Prisons be required to furnish to the next General Assembly a report, verified by oath, of the number and character of volumes purchased for the library of each of said prisons.

Engrossed House Bill No. 52. A Bill authorizing the assessment of lands for plank, macadamised and gravel road purposes, prescribing

ing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867.

Was read a first time.

By unanimous consent of the Senate, the order of business was suspended, and

Mr. Green moved a suspension of the constitutional rules, and that the bill be read a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Hawk, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood—33.

Those who voted in the negative were,

Messrs. Bird and Carson—2.

So the rules were suspended, and the bill was read a second time, and referred to the Committee on Corporations.

Senate Bill No. 246. A Bill to amend sections four, thirteen and fifteen of an act entitled, "An Act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows," approved March 11, 1867, and supplementary to said act, was,

On motion of Mr. Jaquess, taken up, and the following amendments of the House were concurred in :

Amend, by inserting after the word "surgeon," in the tenth line of the first section, the words, "and shall also elect."

Amend, by striking out "two dollars and fifty cents," where it occurs, and inserting "two dollars."

Senate Bill No. 236. An Act to amend section thirty-one of an Act entitled, An Act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, as amended by an Act approved March 5, 1857, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Corporations.

[The original having been lost by the Committee on Corporations, by unanimous consent of the Senate, a transcript of the original bill was again referred to them.]

The following House concurrent resolution was taken up :

Resolved, By the House of Representatives, the Senate concurring, that the Committee on Ways and Means be hereby instructed to appropriate the sum of \$20,000, for the purpose of purchasing the collection known as Dr. David Dale Owen's Geological Cabinet, and also to defray the expense of purchase and shipping the same to this place.

Resolved, That the Governor is hereby authorized to appoint a judicious person to act in conjunction with the State Geologist, who, together, shall proceed to negotiate for said cabinet, and if the purchase can be effected on such terms that the whole collection can be delivered at Indianapolis, in such building as the Governor may designate for the purpose, for a sum not to exceed \$20,000, the Geologist and such person designated by the Governor shall proceed to contract for said cabinet, and forthwith box and ship the same to Indianapolis, in the care of the Governor.

Resolved, That the collection so purchased shall be under the immediate care and supervision of such person as the Governor may designate for that purpose, until further provided by law.

Mr. Wolcott moved to amend the resolution by striking out \$20,000, and inserting \$10,000.

Which was not agreed to.

Mr. Carson moved that the resolution and pending amendments be referred to the Committee on Finance.

Which was not agreed to.

Mr. Wolcott moved to amend, by instructing the Committee on Finance to amend, by striking out \$20,000 and inserting \$16,000.

Which was not agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed House Enrolled Act No. 11. An Act to fix the times of holding courts in the Eleventh Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.

Also, House Enrolled Act No. 140. An Act repealing sections two, three, four five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one and twenty-two of an Act entitled, "An Act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers, approved March 11, 1867, and prescribing further duties of the officers of elections, and providing for the appointment of the necessary officers and clerks for holding such elections.

Also, House Enrolled Act No. 176. An Act to establish a Female Prison and Reformatory Institution for Girls and Women ; to provide for the organization and government thereof, and making appropriations ; and the same is herewith transmitted for the signature of the President of the Senate.

House Bill No. 80. An Act declaring what evidence shall be sufficient *prima facie* to establish title to real estate under a Sheriff's sale on execution, and providing that such sales shall not be adjudged void or set aside, on account of the failure of the Sheriff to sell in parcels.

Was read a first time, and passed to a second reading on tomorrow.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed Senate Engrossed Bill No. 255. A Bill to save pending suits affected by passage of Act 1865, to repeal sections forty-three and forty-four, of mill law of 1852.

And the same is herewith returned to the Senate.

Mr. Hooper from the Committee on Phraseology, Arrangement of Bills, and Enrolled Bills, made the following report :

MR. PRÉSIDENT :

Your Committee on Phraseology, Arrangement of Bills and Enrolled Bills, have carefully examined Enrolled Senate Act No. 161. An Act to provide for the organization of Saving's Banks, and the safe and proper management of their affairs, and respectfully report that they find the same to be neatly and correctly enrolled.

Which was adopted.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Honse of Representatives to inform the Senate that the House has passed the concurrent resolution of the Senate in reference to a change of Soldiers and Seamen at the Home at Knightstown, to the National Home at Dayton, with the following amendment thereto.

Amend by adding after the words Milwaukee, Wisconsin, the words or "Augusta, Maine."

Engrossed Senate Bill No. 136. A Bill creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.

Was read a first time.

Mr. Fisher moved that the rules be suspended, and that the bill be read a second time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Kinley, Montgomery, Morgan, Rice, Reynolds Robinson of Madison, Scott, Sherrod, Stein, Turner, Wolcott and Wood—34.

So the rules were suspended, and the Bill was read a second time.

Mr. Bradley moved to amend by striking out the word fifty and inserting the word twelve.

On motion of Mr. Robinson of Madison, the Senate adjourned.

MONDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Wolcott called up the Special Order, it being House Bill No. 311. A bill making Specific Appropriations for the year 1869.

The Senate resolved itself into a Committee of the Whole.

Mr. Gifford in the Chair.

After sometime spent in consideration of said Bill, the Committee arose, and through its Chairman made the following report:

MR. PRESIDENT:

The Committee of the Whole Senate, to whom was referred House Bill No. 311, A Bill making Specific Appropriations for the

year 1869, have had the same under consideration, and have made some progress, and ask leave to rise and sit again.

Which report, was concurred in.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Senate Enrolled Act No. 161. An Act to provide for the organization of Savings Banks, and the safe and proper management of their affairs.

Also, Senate Enrolled Act No. 215. An Act to authorize aid to the construction of Railroads, by counties and townships taking stock in, and making donations to Railroad Companies.

Also, Senate Enrolled Act No. 337. An Act to make appropriations for certain purposes and upon certain conditions, and making provision for the current expenses of the Benevolent Institutions of the State, in cases where the State fails to make the necessary appropriations therefor.

And the same are herewith returned to the Senate.

Mr. Cravens submitted the following report :

MR. PRESIDENT :

Your Committee to whom was referred House Bill No. 119. A Bill proposing relief to the sufferers caused by the invasion of the State in 1863 by John Morgan and the Rebel troops under his command, have had the same under consideration, and have directed me to recommend the passage of the bill for the following, and many other reasons :

1. In all governments voluntarily formed, the contract between the citizen individually and the citizen collectively is of a two-fold character; first, the citizen engages to render allegiance, service and obedience;—the State solemnly promises protection to the citizen in person and property.

2. The invasion in 1863 was an invasion of the State, a trespass upon the rights of the citizens in the remote north as much as if the citizen had been in the immediate line of the march of the invaders ; consequently, all were equally involved in the calamity.

3. The citizens who were the immediate sufferers by the calamity, those of Southern Indiana, whilst they were amply able to have organized powers to resist and drive out the invaders, had surrendered their right so to do to the State, and naturally looked to the authority thus constituted to defend and protect them.

4. The State, with abundant means both of men and arms at its disposal, did not provide in advance against the occurrence of the calamity. Had it done so, the losses would not have occurred. Small bodies of troops stationed at convenient points on the Ohio river, when a wise regard for the public welfare would naturally have dictated, would have been sufficient to prevent any attempt at invasion. Neglect on the part of the State to prevent a threatened injury, outrage or wrong, is as culpable and as clearly a violation of the compact of the government, as to commit the wrong itself. Hence, such neglect or refusal on the part of the State, upon which rests the obligation to protect and defend its citizens, make that authority clearly liable for all the consequences that may, either directly or indirectly, be traced to, and result from that neglect or injury.

5. It may be said the War of the Rebellion was a war against the Government of the United States. So it was ; but the invasion was an invasion of the State of Indiana, and the sufferers were the citizens of Indiana. These citizens appeal to their own immediate government. This they know,—they know its authorities, where they can be found, and in what manner to approach them. The State is the agent between its citizens and the Government of the United States, as the latter would stand between the States and any foreign power.

6. It is also said that these claims, in a technical point of view, are not legitimate claims upon the State ; but from what has before been advanced, if these propositions are true, these claims are properly filed by the citizens thereof against the State ; and if the General Government is ultimately liable, it will be proper and reg-

ular that the State should prefer them in the aggregate, rather than that the citizens individually should lose the entire amount thereof in a fruitless effort to secure a recognition of their claims.

7. This irruption by a public enemy was a humiliation, outrage and trespass on the entire State, equally an infraction of the right of every citizen, but the losses sustained by individuals are necessarily local. These losses are greater, in many instances, than the victims are able to bear, and far more than their share of the public burdens imposed by this public calamity. The sufferers appeal to a public sense of justice, and only ask that those who enjoyed an entire exemption from loss, contribute an equal proportion with themselves to the material losses sustained. There were humiliations, insults and wrongs, incident to this invasion, which those more happily situated can neither appreciate nor share. The people of Southern Indiana make this appeal to the entire State in the full confidence that the popular sense of justice will fully authorize the General Assembly to afford the equitable relief, especially since that relief will require less than one mill per cent. to each individual in the State upon the value of his real and personal property.

(Signed,)

JOHN R. CRAVENS,

T. N. RICE,

E. HUFFMAN,

F. J. BELLAMY,

GEO. W. DENBO.

Special Committee.

Mr. Hooper moved that the Senate adjourn.

The ayes and noes were demanded by one-tenth of the Senate.

Those who voted in the affirmative were

Messrs. Armstrong, Bellamy, Bird, Bradley, Carson, Case, Elliott, Fisher, Fosdick, Gray, Hamilton, Hess, Hooper, Humphreys, Jaquess, Johnson of Spencer, Reynolds, Stein, Taggart and Wolcott
—20.

Those who voted in the negative were,

Messrs. Bellamy, Caven, Church, Cravens, Denbo, Gifford, Green, Hadley, Hanna, Henderson, Howk, Huey, Huffman, Kinley, La-

selle, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Turner and Wood—25.

So the motion to adjourn was not agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill thereof, to-wit:

House Bill No. 125. A Bill to amend an act entitled An Act to amend the 45th section of an Act entitled "An Act to provide for the opening, vacating and change of highways;" approved March 5, 1867. Also,

Engrossed House Bill No. 159. A Bill to amend section 10 of an Act to authorize and limit allowances by courts and boards, and drafts upon county treasurers; approved May 27, 1852.

In which the concurrence of the Senate is respectfully requested.

Mr. Carson moved that the Senate adjourn.

The ayes and noes being demanded by one-tenth of the Senators present,

Those who voted in the affirmative were,

Messrs. Beardsley, Carson, Case, Elliott, Fisher, Fosdick, Gray, Hess, Hooper, Humphreys, Jaquess, Johnson of Spencer, Smith, Stein, Taggart and Wolcott—17.

Those who voted in the negative were,

Messrs. Bellamy, Bradley, Caven, Church, Cravens, Denbo, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Howk, Huey, Huffman, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Turner and Wood—29.

So the motion to adjourn was not agreed to.

The question being upon concurring in the report,

The ayes and noes were demanded by Messrs. Cravens and Fisher.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Church, Cravens, Denbo, Gifford, Green, Hanna, Henderson, Howk, Huey, Huffman, Humphreys, Laselle, Lee, Montgomery, Rice, Robinson of Madison, Sherrod, Taggart and Turner—23.

Those who voted in the negative were,

Messrs. Beardsley, Carson, Case, Caven, Elliott, Fisher, Fosdick, Gray, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Renolds, Robinson of Decatur, Scott, Smith, Stein, Wolcott and Wood—23.

The Lieutenant-Governor giving the casting vote, voted in the negative.

So the report was not concurred in.

On motion by Mr. Beardsley, the Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
 May 11, 1869. }

The Senate met.

On motion of Mr. Johnson, of Spencer, the reading of yesterday's Journal was dispensed with.

Mr. Hanna moved to take up Senate Bill No. 330. An Act to amend the first section of an act entitled "An Act to empower railroads to build branches to neighboring coal mines," approved December 19th, 1865.

Which was agreed to.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hanna, Hess, Hooper, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Taggart, Turner, Wolcott; and Wood—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Jaquess moved to reconsider the vote by which the report of the select committee on the Morgan raid bill was rejected.

Which was agreed to.

Mr. Cravens asked and obtained leave to withdraw the said report.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill of the Senate, to-wit:

Engrossed Senate Bill No. 194. A Bill to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and officers of State, and the same is herewith returned to the Senate.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill thereof, to-wit:

House Bill No. 376. A Bill to incorporate life insurance companies, to make certain provisions concerning contracts of life insurance, to regulate the agencies of foreign life insurance companies doing business in this State, repealing all laws in conflict with this act, and declaring an emergency.

In which the concurrence of the Senate is requested.

On motion of Mr. Wolcott, the Senate went into Committee of the Whole on the Specific Appropriation Bill, Mr. Gifford in the chair.

After some time spent in consideration of said Bill, the Committee arose and through its Chairman made the following report:

MR. PRESIDENT :

The Committee of the Whole Senate, to whom was referred House Bill No. 311. A Bill making Specific Appropriations for the year 1869, have had the same under consideration, and have in-

structed me to report that they have made some progress in the consideration thereof, and ask leave to sit again.

Which report was concurred in. . .

On motion of Mr. Hooper, the Senate adjourned.

TUESDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Bellamy moved to take up House Bill No. 119, for the purpose of reading it a third time.

Mr. Hooper moved to lay the motion on the table.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bills thereof, to-wit:

House Bill No. 157. A Bill to regulate the publication of legal advertisements.

Also, House Bill No. 166. A Bill requiring the publication of legal advertisements and notices to be made in German newspapers in certain cases.

Also, House Bill No. 208. A Bill to legalize conveyances of real estate made by married women under the age of twenty-one years, where they have joined with their husbands in deed conveying his land, where such husband is now living, and declaring an emergency;

Also, House Bill No. 231. A Bill defining a certain misdemeanor, and prescribing penalties therefor.

Also, House Bill No. 257. A Bill to amend section one of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing the time of electing the same, and declaring an emergency.

Also, House Bill No. 262. A Bill to amend sections three and eight of an act to regulate the inspection of petroleum oils, etc.

Also, House Bill No. 278. A Bill to amend the title of An Act entitled "An Act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain.

Also, House Bill No. 282. A Bill to amend the twenty-eighth section of An Act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant.

Also, House Bill No. 315. A Bill to authorize the Board of County Commissioners of the several counties of this State to make appropriations and donations for purposes therein mentioned.

Also, House Bill No. 380. A Bill to amend section twenty-seven of an act entitled "An Act to provide for a general system of Common Schools, the Officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain Officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed," approved March 6th, 1865.

In all of which the concurrence of the Senate is respectfully requested.

By unanimous consent, Mr. Green made the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred Senate

Bill No. 236, have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Gifford from a Special Committee, made the following report:

MR. PRESIDENT:

Your Special Committee on allowance of mileage to the Committee on State Prisons, to whom was referred a resolution to allow them three dollars each for every twenty-five miles traveled in visiting the Prisons, have had the same under consideration, and would respectfully report that the resolution gives said Committee the same allowance given the Prison Committee of the Senate at the Regular Sessions of 1865 and 1867; but as this Session is one of retrenchment and reform, your Committee would recommend that the allowance asked for in the resolution be reduced fifty per cent., and when so amended that it be adopted.

And your Committee would further recommend that the same allowance (in accordance with the provisions of said resolution) be made to the Special Committee appointed to visit the Soldier's Home at Dayton; the Special Committee to visit the Geological Cabinet of David Dale Owen, and the Committee on the House of Refuge.

Which report was concurred in.

By unanimous consent of the Senate, Mr. Gray made the following report:

MR. PRESIDENT:

Your Committee on Corporations to whom was referred House Bill No. 52. A Bill authorizing the assessment of lands for plank road purposes, prescribing the manner of assessing and collecting the same, and repealing all laws on that subject, approved March 11, 1867, have had the same under consideration and recommend its passage.

Which report was concurred in.

Mr. Smith was granted leave of absence till Thursday next.

Mr. Kinley asked and obtained leave of absence for Mr. Armstrong indefinitely, on account of sickness in his family.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bills thereof, to-wit:

House Bill No. 199. A Bill to prevent the spread of distemper among horses, and providing penalties therefor.

Also, House Bill No. 232. A Bill allowing an increased rate of toll on turnpike, plank, and gravel roads, in certain cases, repealing conflicting laws, and declaring an emergency.

In which the Senate is respectfully requested to concur.

On motion of Mr. Hooper the Senate went into a Committee of the Whole, on the Specific Appropriation bill.

Mr. Gray in the Chair.

After some time spent in the consideration of said bill, the Committee arose and through its Chairman made the following report:

MR. PRESIDENT :

The Committee of the Whole Senate, to whom was referred House Bill No. 311. An Act making Specific Appropriations for the year 1869, beg leave to report the following amendments to the bill:

Strike out all of section five, and insert the following as a substitute:

SEC. 5. That the Governor of the State is hereby authorized to secure, as soon as practicable, a true and life-like likeness of each of the Governors of the State and Territory of Indiana, including

the present incumbent, to be placed in the State Library, and for that purpose a sum not exceeding two hundred dollars each is hereby appropriated.

Strike out Section Ten.

Amend Section nineteen by striking out thirty-two dollars, and inserting twenty-three dollars and four cents, in lieu thereof.

Amend Section twenty by striking out the words twenty-three dollars and fifty cents, and inserting sixteen dollars and ninety-two cents in lieu thereof.

Amend Section twenty-one by striking out twenty-four dollars, and inserting seventeen dollars and twenty-eight cents.

Strike out Section Twenty-three.

The Committee report the following additional Sections to the bill.

SEC. —. That James Blake be allowed the sum of two hundred and fifty dollars for services rendered as Commissioner for the State of Indiana, of the Board of Managers of the Soldiers' National Cemetery at Gettysburg.

SEC. —. That L. S. Newell be allowed the sum of fifty dollars, for music furnished the pupils of the Institute for the Blind.

SEC. —. That William Hannaman be allowed the sum of twenty-seven hundred dollars, for services as Military Claim Agent in the city of Indianapolis, from April 1st, 1867, to October 1st, 1868.

SEC. —. That the Columbus and Indianapolis Central Railway be allowed the sum of sixteen dollars and thirteen cents for transportation of men furnished by order of Governor O. P. Morton.

SEC. —. That R. J. Bright, publisher of the Indianapolis Daily Sentinel, be allowed the sum of five hundred and seventy-eight dollars and thirty-four cents; that the Commercial Company, publishers of the Daily Evening Commercial, be allowed the sum of five hundred and thirty-three dollars and fifty-two cents; that Harding, Morton and Finch, publishers of the Daily Evening Mir-

ror, be allowed the sum of five hundred and thirty-three dollars and fifty-two cents; that the Daily Telegraph Company be allowed the sum of four hundred and forty-four dollars and sixty-four cents; that Julius Bœtticher, publisher of the Weekly Indiana Volksblatt, be allowed the sum of sixty dollars and forty-eight cents; and that Douglass & Conner, publishers of the Indianapolis Journal, be allowed the sum of five hundred and seventy-eight dollars and thirty-four cents, all for papers enveloped and stamped and for papers furnished loose to the members and elective Officers of the Senate as per contract.

SEC. —. That Julius Bœtticher be allowed the sum of three hundred and forty-six dollars and eight cents, for 4,944 wrapped and stamped copies of the Weekly Indiana Volksblatt, furnished the officers and members of the House of Representatives as per contract.

SEC. —. That Douglass & Conner be allowed the sum of one hundred dollars for blank books furnished for use of the Senate.

SEC. —. That W. H. Talbott, surviving partner of the firm of Talbott & Costigan, and Eliza C. Costigan, as Trustee of the heirs of Francis Costigan, deceased, be allowed the sum of seven thousand five hundred and one dollars and thirty-four cents, for articles and materials purchased with the private means of Talbott & Costigan, and used by the State in the construction of the State Prison North.

SEC. —. That O. M. Wilson, Secretary of the Senate, and W. A. Bonham, Assistant Secretary of the Senate, be each allowed the sum of one hundred and fifty dollars, for indexing, correcting proof, and preparing abstract for the Senate Journal of the Regular Session 1869.

SEC. —. That O. M. Wilson, Secretary of the Senate, and W. A. Bonham, Assistant Secretary of the Senate, be each allowed the sum of one hundred and fifty dollars, for indexing, correcting proof, and preparing abstract for the Senate Journal of the Special Session 1869.

SEC. —. That Martin Igoe be allowed the sum of two hundred and eighty-two dollars and twenty-one cents, to reimburse him for

private money paid out by him on account of articles purchased for hospital while Quartermaster at Camp Morton, payable on the order of the Adjutant General, when a proper voucher is filed in Adjutant General's office.

SEC. —. That John Lefler be allowed the sum of eighty dollars, amount of principal and interest on sum of money paid by him for forty acres of swamp land, situated in Jasper county, on the 18th day of November, 1859, to the State of Indiana, which land had already been sold and conveyed to one William Duff.

SEC. —. That D. I. Jackson, ex-clerk of Jasper county, be allowed the sum of sixteen dollars and two cents, fees in civil action brought by the State against Alexander Kent, and afterwards dismissed.

SEC. —. That D. I. Jackson be allowed the sum of sixteen dollars and sixty-five cents, fees in civil action brought by the State against Bela C. Kent, and afterwards dismissed.

SEC. —. That Thomas M. Browne be allowed the sum of twenty-five dollars, for attendance as Assistant Secretary of the Senate at the organization of the Regular Session, 1869.

SEC. —. That Thomas M. Browne be allowed the sum of twenty-five dollars, for appearing before, and attending upon the Committee on Public Expenditures, in pursuance of resolution of the Senate.

SEC. —. That Thomas P. Otwell be allowed the sum of seventy-five dollars, for services as Assistant Doorkeeper of the Senate, from January 20, 1869, to February 5, 1869.

SEC. —. That Ramsay & Hanning be allowed the sum of thirty dollars and sixty cents for repairing and furnishing gas fixtures for the State House.

SEC. —. That Elihu Lyon be allowed the sum of thirty-four dollars and eighty cents; that Esther Brickley, administratrix of the estate of Andrew Brickley, be allowed the sum of thirty-four dollars; that John M. Vanhorn be allowed the sum of thirty-five dollars and eighty cents; that Thomas Dougherty be allowed the

sum of thirty-five dollars; that F. M. Faughinbaugh be allowed the sum of thirty-five dollars, and that Thomas S. Longfellow be allowed thirty-six dollars and eighty cents, for attendance as witnesses before the Committee on Arbitrary Arrests, in 1863, and for mileage to and from Indianapolis.

SEC. —. That E. W. Halford be allowed the sum of two hundred and fifty dollars, for services in Sanitary Department.

SEC. —. That Wm. & J. Braden be allowed the sum of one hundred and five dollars and three cents, for stationery furnished General H. B. Carrington, while commanding Indiana Legion.

SEC. —. That Messrs. Kay & Brother, of Philadelphia, be allowed the sum one hundred and twenty-seven dollars and fifty cents, for fifty-one copies of "Wilson's Digest of Parliamentary Law," as ordered by the Senate.

SEC. —. That J. A. Coburn be allowed the sum of ten thousand dollars, being a commission on amount of claims of the State of Indiana against the United States, settled by said Coburn, such allowance being in conformity with a contract with said Coburn, made by the Adjutant General of this State, authorized by the Governor.

SEC. —. That two thousand dollars be allowed for the erection of a boiler house, and for removing and refixing the boiler and apparatus, at the State's Prison North.

SEC. —. There shall be appropriated for the repairs of the State Prison South, five thousand dollars annually for the years 1869 and 1870.

SEC. —. That the sum of ten dollars be allowed Dennis Sullivan, for hire of hacks used by the Committee on Governors Mansion.

SEC. —. That the sum of twelve dollars and sixty-one cents, be allowed to the Toledo, Logansport and Burlington Railway Company, for transportation furnished men by order of Governor O. P. Morton.

SEC. —. That Dr. H. H. Gillen be allowed the sum of two hundred and forty-three dollars and sixty six cents, for two months services as additional Assistant Surgeon of the 41st, (2d Cavalry,) Regiment Indiana Volunteers, from the 28th day of April to the 29th day of June 1862, inclusive.

SEC. —. That Gutenberg & Co., be allowed the sum of forty-three dollars and twenty cents, for five hundred and forty copies of the Daily Telegraph, wrapped and stamped, furnished the first five days of the Session.

Which was adopted.

SEC. —. That there be allowed William Sheets one hundred dollars for rent of rooms occupied by General H. B. Carrington, for ten months, during the years 1863 and 1864.

SEC. —. That there be allowed John W. Davis forty-five dollars and fifty cents, for services rendered and expenses incurred under General H. B. Carrington, in the year 1863.

SEC. —. That the sum of four hundred and fifty-three dollars and sixty cents be allowed R. J. Bright, for the *Sentinel* furnished to the Senate and elective Officers thereof for Extra Session of 1869.

SEC. —. That William B. Prather be allowed the sum of five hundred dollars, for his services as an assistant clerk to the Morgan Raid Commission by the appointment of said Commission.

SEC. —. That five thousand dollars, or so much thereof as may be necessary, be appropriated for making repairs at the Soldiers' Home.

SEC. —. That seven thousand dollars per year for the years 1869 and 1870, be appropriated to the Trustees of the State University, to be paid on the order of said Trustees, in addition to the amount now allowed by law.

SEC. —. That the sum of four hundred and fifty-three dollars and sixty cents be allowed to Douglass & Conner, for papers furnished the Extra Session of 1869.

Which report was concurred in, and the Committee discharged from the further consideration of the Bill.

Mr. Turner moved that the order of business be suspended, and that House Bill No. 119 to taken up.

The ayes and nays were demanded by Messrs. Robinson of Madison and Turner.

Those who voted in the affirmative were,

Messrs, Andrews, Bellamy, Bradley, Church, Cravens, Denbo, Elliott, Gifford, Green, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Laselle, Lee, Montgomery, Morgan, Rice, Scott, Sherrod, Taggart, Turner and Wood—25.

Those who voted in the negative were,

Messrs. Beardsley, Carson, Case, Caven, Fisher, Fosdick, Gray, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Decatur, Smith, Stein and Wolcott—19.

So the order of business was suspended, and

House Bill No. 119, A Bill making an appropriation of four hundred thirteen thousand five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan Raid,

Was taken up.

Mr. Hanna demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the Bill be read a third time?

The ayes and nays were demanded by Messrs. Fisher and Gray.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Cravens, Denbo, Elliott, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Laselle, Lee, Montgomery and Taggart—16.

Those who voted in the negative were,

Messrs. Beardsley, Carson, Case, Caven, Church, Fisher, Fossdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner, Wolcott and Wood—28.

So the Bill was not ordered to a third reading.

Mr. Hooper offered the following amendment :

Amend Section 1 as follows—

Provided, further, that said claims shall be paid in the following manner, to-wit: One-third of each claim in one year, one-third in two years, and one-third in three years from the time of the taking effect of this Act, without interest.

Strike out the section containing emergency clause.

Which was adopted.

Mr. Carson moved that the Senate adjourn.

The ayes and nays were demanded by one-tenth of the Senate.

Those who voted in the affirmative were,

Messrs. Beardsley, Bradley, Carson, Church, Elliott, Fisher, Fossdick, Gray, Hess, Lee, Reynolds, Taggart and Wolcott—13.

Those who voted in the negative were,

Messrs. Andrews, Bellamy, Case, Caven, Cravens, Denbo, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lassel, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Turner and Wood—31.

So the motion to adjourn did not prevail.

Mr. Jaquess offered the following resolution :

Resolved, That when the Senate adjourn, it adjourn until half past 7 o'clock this evening.

S. J. Ex. S.—27.

The ayes and nays were demanded by Messrs. Carson and Jaquess.

Those who voted in the affirmative were,

Messrs. Caven, Church, Cravens, Green, Hadley, Hamilton, Jaquess, Johnson of Spencer, Kinley, Montgomery, Rice, Reynolds, Robinson of Decatur, Soott, Stein, Turner and Wood—17.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Carson, Case, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Laselle, Lee, Morgan, Sherrod, Smith, Taggart and Wolcott—26.

So the resolution was not adopted.

The question recurring upon the amendment offered by Mr. Hooper,

The amendment was adopted.

The question being, shall the Bill be read a third time,

The ayes and nays were demanded by Messrs. Carson and Hooper.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Caven, Church, Cravens, Denbo, Elliott, Gifford, Hadley, Hamilton, Hanna, Henderson, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Taggart, Turner and Wood—30.

Those who voted in the negative were,

Messrs. Carson, Case, Fisher, Fosdick, Gray, Green, Hess, Kinley and Wolcott—9.

So the Bill was read a third time.

Mr. Hanna demanded a call of the Senate.

The Secretary proceeded with the call, when the following Senators answered to their names :

Messrs. Andrews, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Taggart, Turner, Wolcott and Wood—40.

On motion of Mr. Bellamy, further proceedings under the call were dispensed with.

Mr. Bellamy demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put ?

It was so ordered.

The question being, shall the Bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Caven, Church, Cravens, Denbo, Elliott, Gifford, Green, Hanna, Henderson, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Scott, Sherrod, Taggart, Turner and Wood—26.

Those who voted in the negative were,

Messrs. Beardsley, Carson, Case, Fisher, Fosdick, Gray, Hadley, Hamilton, Hess, Hooper, Kinley, Robinson of Decatur, Smith and Wolcott—14.

So the Bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Wolcott offered the following concurrent resolution :

Resolved, By the Senate of the State of Indiana, the House of Representatives concurring, that the Board of the State Normal

School be authorized to confer appropriate degrees on such students of the Normal School and High School Departments of the State Normal School as shall have completed the required course of study as prescribed by said Board.

Which was adopted.

By unanimous consent of the Senate, Mr. Fosdick offered the following resolution :

Resolved, That the report of the Committee on Mileage of Senators be amended by striking out 250 in the mileage of the Senator from DeKalb, and inserting 276, —, 552.

Which was adopted.

Mr. Kinley moved to take up Senate Bill No. 321.

Which was agreed to.

Mr. Kinley moved to suspend the constitutional rules and read the Bill a second and third time.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Case, Caven, Cravens, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Robinson of Decatur, Scott, Smith, Wolcott and Wood—29.

No quorum voting.

On motion by Mr. Fisher, the Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK, }
 May 12, 1869. }

The Senate met.

On motion of Mr. Jaquess, the reading of the Journal of yesterday was dispensed with.

Mr. Bradley rose to a question of privilege, and asked leave to record his vote in the affirmative on the passage of House Bill No. 119, known as the Morgan Raid Bill.

Which was agreed to.

Mr. Stein also arose to a like question of privilege, and asked leave to record his vote in the negative on the passage of the same Bill.

Which was agreed to.

Mr. Reynolds asked and obtained leave to have his vote recorded in favor of the Morgan Raid Bill.

Which was agreed to.

By unanimous consent of the Senate, Mr. Wood introduced

Senate Bill No. 355. An Act to fix the time of holding terms of the Circuit Courts in the Eighth Judicial Circuit.

Which was read a first time.

Mr. Wood moved a suspension of the rules, and that the Bill be read a second and third time now.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson,

Caven, Church, Cravens, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Wolcott and Wood—41.

So Senator voting in the negative.

So the rules were suspended and the Bill was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Bradley, Carson, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Wolcott and Wood—41.

No Senator voting in the negative.

So the Bill passed.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Kinley, House Bill No. 321 was taken up.

Mr. Kinley moved that the rules be suspended, and that the Bill be read a second and third time now.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—32.

Those who voted in the negative were,

Messrs. Andrews, Bird, Carson, Hanna, Sherrod, Taggart and Wolcott—7.

So the rules were not suspended.

On motion of Mr. Kinley,

Engrossed House Bill No. 321, A Bill to amend an Act entitled "An Act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and to pay debts contracted for the erection of such buildings, and to authorize the levy and collection of an additional special school tax for the payment of principal and interest of such bonds,"

Was read a second time by its title.

Mr. Rice offered the following resolution :

Resolved, That the Senate proceed to elect a President of the Senate *pro tempore*, to preside during the absence of the Lieutenant Governor.

Which was adopted.

Mr. Rice put in nomination Hon. Isaac P. Gray, Senator from the County of Randolph.

There being no further nominations, Mr. Gray was elected President *pro tempore* of the Senate, to preside during the absence of the Lieutenant-Governor.

Mr. Scott moved to suspend the order of business and take up House Bill No. 113.

Mr. Carson moved to amend by taking up House Bill No. 311.

Mr. Stein moved to amend by suspending the order of business in order to consider the ratification of the Fifteenth Amendment to the Constitution of the United States.

Mr. Bellamy moved to lay the amendments upon the table.

The ayes and nays were demanded by Messrs. Scott and Carson.

Mr. Wolcott demanded a division of the question.

The first division being to lay the amendment offered by Mr. Stein upon the table,

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Denbo, Elliott, Fosdick, Gifford, Gray, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Laselle, Lee, Montgomery, Morgan, Rice, Robinson of Decatur, Scott, Sherrod, Taggart, Wolcott and Wood—32.

Those who voted in the negative were,

Messrs. Beardsley, Cravens, Fisher, Green, Hamilton, Hess, Hooper, Kinley, Reynolds and Stein—10.

So the motion to lay the amendment offered by Mr. Stein on the table was agreed to.

The second division being to lay the amendment of Mr. Carson on the table,

It was agreed to.

The question being upon Mr. Scott's motion to take up House Bill No. 113,

It was agreed to.

Mr. Wood moved the previous question, which was seconded by the Senate.

The question being, shall the Bill be ordered to a third reading,

It was agreed to, and

Engrossed House Bill No. 113, A Bill to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State,

Was read a third time.

The question being, shall the Bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Huey, Huffman, Jaquess, Johnson of Spencer, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—33.

Those who voted in the negative were,

Messrs. Bird, Carson, Henderson, Humphreys, Lee, Montgomery, Sherrod, Taggart and Turner—9.

So the Bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House Bill No. 53.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to request from the Senate, a copy of Senate Bill No. 146, the original engrossed copy thereof having been lost from the files.

In compliance with the request contained in the above message, on motion, the Principal Secretary was directed to furnish the copy called for by the House.

On motion of Mr. Wolcott, House Bill No. 311. A Bill making Specific Appropriations for the year 1869.

Was taken up.

Mr. Hooker moved to read and act upon the report of the Committee of the Whole, upon House Bill No. 311, and the additional sections as amendments thereto, reported by the Committee on Finance.

Which was agreed to.

SEC. —. That Samuel McCormick be allowed the sum of one hundred and forty dollars and fifty-five cents; that Bedee Johnson be allowed the sum of two hundred and thirty-eight dollars and forty cents; that John Starner be allowed the sum of seventy-six dollars and thirty cents; that L. M. Walker be allowed the sum of fifty-one dollars and ninety-five cents; that John Kimberlain be allowed the sum of fifty dollars and twenty cents; that William Hart be allowed the sum of thirty-two dollars; that William Fritzlan be allowed the sum of nineteen dollars and twenty cents; that John Johnson be allowed the sum of twenty dollars and twenty-five cents; that Daniel Hart be allowed the sum of twenty-two dollars and forty cents; that William McGowan be allowed the sum of forty-five dollars; that Thomas Wells be allowed the sum of twenty-eight dollars and twenty-five cents; that George Love be allowed the sum of fifty-five dollars and seventy cents; that Jonathan Hart be allowed the sum of thirty-nine dollars; that Philip Solomon be allowed the sum of thirty-five dollars and fifty cents; that George Mayfield be allowed the sum of thirty-seven dollars; that John Rotramel be allowed the sum of fifty-seven dollars and twenty-five cents; that John McConnell be allowed the sum of fifty dollars; that Daniel B. Johnson be allowed the sum of nineteen dollars and fifty cents; that R. W. Pearce be allowed the sum of twenty-three dollars, and that Turner M. Johnson be allowed the sum of thirty-three dollars and fifty cents, on account of moneys paid out by them for board and traveling expenses while defending suits instituted against them for arrests made while acting under orders, as officers and soldiers of the Indiana Militia.

On the question of concurring in the Committee of the Whole, striking out the foregoing section.

The ayes and nays were demanded by Messrs. Carson and Gifford.

Those who voted in the affirmative were,

Messrs. Bird, Bradley, Carson, Church, Denbo, Gifford, Hadley, Hanna, Huey, Humphreys, Huffman, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Robinson of Decatur, Scott, Sherrod, Taggart and Turner—23.

Those who voted in the negative were,

Messrs. Beardsley, Bellamy, Case, Caven, Elliott, Fisher, Fosdick, Gray, Green, Hamilton, Hess, Hooper, Jaquess, Reynolds, Robinson of Madison, Stein, Wolcott and Wood—18.

So the amendment of the Committee of the Whole, was concurred in.

Mr. Hooper offered the following amendment to the report.

SEC. —. There shall be appropriated for the support of the House of Refuge, the further sum of ten thousand dollars per year, for the years ending January 31st 1870, and January 31st, 1871.

The ayes and nays were demanded by Messrs. Hanna and Fosdick.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Kinley, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—28.

Those who voted in the negative were,

Messrs. Beardsley, Bird, Hanna, Huey, Huffman, Humphreys, Laselle, Lee, Montgomery, Taggart and Turner—11.

So the amendment to the report was adopted.

Mr. Bellamy moved to strike out the section allowing Messrs. Talbott & Costigan the sum of \$7,501 04.

Mr. Hadley moved the previous question.

Which was seconded by the Senate.

The question being upon striking out the section.

The ayes and nays were demanded by Messrs. Hooper and Bradley.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Case, Cravens, Elliott, Fisher, Fostick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Johnson of Spencer, Kinley, Robinson of Decatur and Wolcott—17.

Those who voted in the negative were,

Messrs. Andrews, Bird, Bradley, Carson, Caven, Church, Denbo, Gifford, Hanna, Huey, Huffman, Humphreys, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Sherrod, Stein, Taggart and Turner—24.

So the motion to strike out the section, was not agreed to.

Mr. Stein offered the following amendment :

SEC. —. That the sum of \$2,500 be allowed to J. A. Wilstach, in full of all salary and expenses connected with his appointment as Commissioner for the encouragement of Emigration.

Mr. Carson demanded the previous question.

Which was seconded by the Senate.

The question being on the adoption of the amendment offered by Mr. Stein,

The ayes and nays were demanded by Messrs. Carson and Green.

Those who voted in the affirmative were,

Messrs. Bradley, Church, Hooper, Jaquess, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison and Stein—9.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Bellamy, Bird, Carson, Case, Caven, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hess, Huey, Huffman, Humphreys, Laselle, Lee, Montgomery, Morgan, Rice, Robinson of Decatur, Scott, Sherrod, Taggart, Turner and Wolcott—32.

So the amendment was not adopted.

Mr. Robnison offered the following amendment to the report, by adding :

SEC. —. That a sum not exceeding one thousand dollars, to be certified by the Governor, be allowed to John U. Pettit and James R. Slack, in full, for services in the case now pending in the United States Circuit Court, wherein S. P. Milligan, is plaintiff, *vs.* James S. Fraizer, Oliver P. Morton, Benjamin Spooner *et al.*, are defendants.

Which was adopted.

Mr. Rice offered the following amendment to the report by adding :

SEC. —. That the sum of one thousand dollars be allowed to John A. Wilstach, in full of all salary and expenses connected with his appointment as Commissioner for the Encouragement of Emigration.

Mr Gray demanded the previous question.

Which was not seconded by the Senate.

The question being on the adoption of the amendment offered by Mr. Rice,

Mr Hanna moved to lay it on the table.

The ayes and nays were demanded by Messrs. Carson and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Bellamy, Bird, Carson, Caven, Denbo, Fostick, Gifford, Green, Hanna, Henderson, Hess, Huey, Humphreys, Laselle, Lee, Montgomery, Robinson of Decatur, Sherrod and Taggart—19.

Those who voted in the negative were,

Messrs. Armstrong, Beardsley, Bradley, Case, Church, Cravens, Elliott, Fisher, Gray, Hadley, Hamilton, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Renolds, Robinson of Madison, Scott, Stein, Wolcott and Wood—24.

So the motion to lay on the table, did not prevail.

The question recurring on the adoption of the amendment offered by Mr. Rice.

The ayes and nays were demanded by Messrs. Carson and Hanna.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bradley, Case, Church, Cravens, Fisher, Gray, Hadley, Hamilton, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Scott, Stein, Wolcott and Wood—23.

Those who voted in the negative were,

Messrs. Andrews, Bird, Carson, Caven, Denbo, Fostick, Gifford, Green, Hanna, Henderson, Hess, Huey, Humphreys, Laselle, Lee, Montgomery, Robinson of Decatur, Sherrod and Taggart—19.

So the amendment was adopted.

Mr. Wolcott moved the previous question.

Which was not seconded by the Senate.

Mr. Bellamy offered the following amendment to the report, by adding

SEC. —. That the sum of twenty-five dollars be paid the *Daily Evening Commercial* Company, for papers furnished the Senate during the first five days of the session.

Which was adopted.

Mr. Caven offered the following amendment to the report :

Amend by adding the following section—

SEC. —. That William Sheets be allowed the sum of one hundred dollars, for rent of three rooms in Indianapolis, occupied by General H. B. Carrington while in command of the Indiana State Legion and Militia, under the order of the Secretary of War, said rooms occupied for ten months by him, from July 28, 1863, to May 28, 1864.

Which was adopted.

Mr. Rice moved to reconsider the vote by which the additional section, allowing William Sheets one hundred dollars for room rent, was adopted.

The ayes and nays were demanded by Messrs. Hanna and Carson.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Church, Denbo, Elliott, Gifford, Hadley, Hamilton, Hanna, Henderson, Huey, Humphreys, Johnson of Spencer, Kinley, Lassel, Lee, Montgomery, Morgan, Rice, Sherrod, Taggart and Turner—28.

Those who voted in the negative were,

Messrs. Bradley, Caven, Fisher, Fosdick, Gray, Green, Hess, Hooper, Jaquess, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—16.

So the motion to reconsider was agreed to.

On motion by Mr. Hanna, the Senate adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Turner demanded a call of the Senate.

The Secretary proceeded with the call, when the following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Turner, Wolcott and Wood—40.

Mr. Jaquess moved that further proceedings under the call be dispensed with.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House Bill No. 344.

The question pending at adjournment being upon the adoption of the amendment to the report offered by Mr. Caven, allowing Wm. Sheets one hundred dollars for room rent,

The ayes and nays were demanded by Messrs. Carson and Fisher.

Those who voted in the affirmative were,

Messrs. Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Gray, Green, Hadley, Hess, Hooper, Jaquess, Johnson of Spencer, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—21.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Bird, Bradley, Carson, Denbo, Fos-

dick, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Kinley, Laselle, Lee, Montgomery, Morgan, Sherrod and Turner—20.

So the amendment was adopted.

Mr. Caven offered the following amendment:

Amend by adding the following additional section—

SEC. —. That John W. Davis be allowed the sum of forty-five dollars and fifty cents, for service rendered and expenses incurred in the month of July, 1863, while on duty with Brig. Gen. H. B. Carrington, and under his orders, in regaining property abandoned and captured by the Rebel forces under Gen. John Morgan during his raid through Indiana.

Which was adopted.

The report of the Committee of the Whole, as amended, was then concurred in, and the amendments to the Bill therein reported were adopted.

Mr. Bradley moved that the amendments to House Bill No. 311 be Engrossed, and the Bill passed to a third reading on to-morrow

Mr. Bradley demanded the previous question.

Which was not seconded by the Senate.

Mr. Wolcott moved to amend—"that the amendments to House Bill No. 311 be considered as engrossed, and the Bill ordered to a third reading now."

Mr. Robinson of Madison demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question being upon ordering the Bill to a third reading,

It was agreed to, and the Bill was read a third time.

Mr. Fisher moved a call of the Senate.

The Secretary proceeded with the call, when the following Senators answered to their names :

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lasselie, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner, Wolcott and Wood—42.

Mr. Hadley moved that further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Rice moved that the doors be closed, and the absentees be sent for.

Which was agreed to.

Mr. Robinson of Madison moved that further proceedings under the call be dispensed with.

Which was not agreed to.

On motion of Mr. Wolcott, further proceedings under the call were dispensed with.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—30.

Those who voted in the negative were,

Messrs. Bird, Carson, Denbo, Gifford, Hanna, Henderson, Huey, Huffman, Humphreys, Laselle, Lee, Montgomery, Sherrod and Turner—14.

So the Bill passed.

The question being, shall the title of the Bill stand as read,

Mr. Stein moved to amend the title so as to read

“An Act making Specific Appropriations for the years 1869 and 1870.”

Which was agreed to.

Ordered, That the Secretary inform the House of the passage of the Bill.

Mr. Kinley moved to take up House Bill No. 288.

Mr. Church moved to lay that motion on the table.

The ayes and nays were demanded by Messrs. Carson and Church

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Church, Fisher, Hooper, Jaquess and Morgan—7.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Bird, Bradley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—34.

So the motion to lay the Bill upon the table was not agreed to.

House Bill No. 288. A Bill amending sections 4 and 8 of An Act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to

repeal all former laws contrary to the provisions of this Act, and prescribing penalties for violation thereof; approved March 5, 1859,

Was then read a first time.

Mr. Kinley moved that the rules be suspended, and that the Bill be read a second and third time now.

The ayes and nays were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Carson, Case, Church, Cravens, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Hess, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Laselle, Reynolds, Robinson of Decatur, Scott, Sherrod, Stein, Wolcott and Wood—31.

Those who voted in the negative were,

Messrs. Bradley, Caven, Denbo, Fisher, Henderson, Hooper, Jaquess, Lee, Montgomery, Morgan, Rice, Robinson of Madison, Taggart and Turner—14.

So the rules were not suspended.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed House Enrolled Act No. 90, An Act creating the Twenty-eighth and Twenty-ninth Judicial Circuits, providing for the election of Judges and Prosecuting Attorneys thereof, and providing compensation therefor, declaring the jurisdiction of said courts and providing for a transfer of actions thereto.

And the same is herewith transmitted for the signature of the President of the Senate.

Mr. Armstrong, who was absent on yesterday, asked leave to record his vote in the negative on the passage of House Bill No. 119, known as the Morgan Raid Bill.

Which was agreed to.

On motion of Mr. Gray, House Bill No. 52 was taken up.

House Bill No. 52. A Bill authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing all the laws on that subject.

Was read a third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—36.

Those who voted in the negative were,

Messrs. Bird, Bradley, Hanna, Humphreys, Sherrod and Taggart—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate, Mr. Lee introduced

Senate Bill No. 356. An Act fixing the time of holding the Circuit Court in Bartholomew county.

Which was read a first time.

Mr. Stein moved that the rules be suspended, the Bill be considered engrossed, and read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Church, Cravens, Denbo, Elliott, Gifford, Gray, Green, Hadley,

Hamilton, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Turner and Wolcott—39.

Those who voted in the negative were,

Messrs. Bird, Bradley and Carson—3.

So the rules were suspended and the Bill was read a second and third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Elliott, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title of the Bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the Bill.

Mr. Church moved to take up House Bill No. 294.

Which was agreed to.

Engrossed House Bill No. 294. A Bill for the relief the heirs of Patrick Donovan, deceased.

Was read a third time.

Mr. Church moved that the rules be suspended, and that the Bill be read a third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein Taggart, Turner, Wolcott and Wood—42.

So the rules were suspended.

And the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Taggart, Turner, Wolcott and Wood—42.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Jaquess moved to take up House Bill No. 95.

Which was agreed to.

Engrossed House Bill No. 95. A Bill for the relief of John Ingle, and John Ingle, jr.

Was read a second time.

Mr. Jaquess moved that the rules be suspended,

And that the Bill be read a third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Sherrod, Stein, Turner, Wolcott and Wood—40.

No Senator voting in the negative.

So the rules were suspended.

And the Bill was read a third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bird, Case, Church, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Taggart—31.

Those who voted in the negative were,

Messrs. Bradley, Carson, Denbo, Fosdick, Hanna, Henderson, Kinley, Sherrod and Turner—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

By unanimous consent of the Senate, Mr. Gifford introduced Senate Bill No. 357.

An Act to fix the times of holding the Circuit Courts in the Twenty-sixth Judicial Circuit.

Which was read a first time.

Mr. Gifford moved that the rules be suspended.

And that the Bill be read a second and third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Wolcott and Wood—42.

No Senator voting in the negative.

So the rules were suspended.

And the Bill was read a second and third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Wolcott and Wood—41.

No Senator voting in the negative,

So the bill passed,

Ordered, That the Secretary inform the House thereof.

Mr. Green moved to take up House Bill No. 160.

Which was agreed to.

Engrossed House Bill No. 160. A Bill to legalize the official acts of the several Boards of Trustees of the Town of Noblesville, Hamilton county, Indiana, and all other officers of said corpora-

tion, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a second time.

Mr. Green moved to suspend the rules,

And that the Bill be read a third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bradley, Case, Church, Cravens, Denbo, Elliott, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Wolcott and Wood—37.

Those who voted in the negative were,

Messrs. Bradley, Bird, Carson, Fisher and Taggart—5.

So the rules were suspended.

And the Bill was read a third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Taggart, Wolcott and Wood—38.

Those who voted in the negative were,

Messrs. Bird, Carson, Hanna, Huey, Sherrod and Turner—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed House Enrolled Act No. 113. An Act to render taxation for Common School purposes uniform, and to provide for the education of the colored children of the State.

And the same is herewith transmitted for the signature of the President of the Senate.

Mr. Cravens asked, and obtained leave of absence for O. M. Wilson, Principal Secretary, for to-morrow.

Mr. Henderson moved to take up House Bill No. 325.

Which was agreed to.

Engrossed House Bill No. 325. A Bill to provide for the re-location of County Seats, the erection of Public Buildings in case of such re-location, repealing all laws in conflict therewith, and declaring an emergency.

Was read a first time.

Mr. Henderson moved that the rules be suspended,

And that the Bill be read a second time by its title, and referred to a Select Committee of three.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fossdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—45.

No Senator voting in the negative.

So the rules were suspended.

And the Bill was read a second time by its title, and referred to a Select Committee of three, to-wit:

Messrs. Henderson, Hadley and Hanna.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed House Enrolled Act No. 53. An Act to regulate the mileage of Sheriff's, in conveying convicts to the State Prisons, and repealing all laws in conflict herewith.

Also, House Enrolled Act No. 334. An Act in relation to Criminal Circuit Courts, and the Judges thereof; fixing the salaries of the Judges and Prosecuting Attorneys, and providing for the payment thereof.

And the same is herewith transmitted for the signature of the President of the Senate.

Mr. Robinson of Madison, moved to take up House Bill No. 321.

Which was agreed to.

Engrossed House Bill No. 321. A Bill to amend an Act entitled "An Act to authorize cities and towns to negotiate and sell

bonds, to procure means with which to erect and to complete unfinished School Buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional Special School tax, for the payment of the principal and interest of such bonds.

Was read a second time.

Mr. Gray moved to refer the Bill to the Committee on the Judiciary.

Which was not agreed to.

Mr. Robinson of Madison, moved to suspend the rules.

And that the Bill be read a third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beadsley, Bellamy, Case, Caven, Church, Cravens, Denbo, Elliott, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Taggart, Turner, Wolcott and Wood—39.

Those who voted in the negative were,

Messrs. Bird, Carson, Fisher and Gray—4.

So the rules were suspended.

And the Bill was read a third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kin-

ley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—39.

Those who voted in the negative were,

Messrs. Bird, Carson, Hanna and Turner—4.

So the Bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Robinson of Decatur, moved to suspend the order of business,

And take up House Bill No. 158.

Which was agreed to.

Engrossed House Bill No. 158. A Bill to amend section twenty-three of an Act entitled "An Act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, etc.," approved June 21, 1862.

Was read a second time.

And passed to a third reading on to-morrow.

Mr. Denbo moved to suspend the order of business.

And take up House Bill No. 136.

Which was agreed to.

Engrossed House Bill No. 136. A Bill creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.

Was read a second time by its title.

And on motion of Mr. Denbo, was referred to a Select Committee of three.

The President appointed

Messrs. Denbo, Bradley and Fisher, said Committee.

By unanimous consent of the Senate, Mr. Fisher made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred House Concurrent Resolution in relation to the purchase of the Geological Cabinet of the late David Dale Owen, have had said Resolution under consideration, and have directed me to report the same back and recommend its adoption.

Which report was concurred in.

Mr. Rice moved to reconsider the vote on the passage of House Bill No. 52.

Mr. Carson moved to lay the motion on the table.

Which was agreed to.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed Senate Engrossed Bill No. 146. A Bill to authorize Turnpike Companies to construct branch roads.

And the same is herewith returned to the Senate.

Mr. Huffman moved to suspend the order of business,

And take up House Bill No. 380.

Which was agreed to.

Engrossed House Bill No. 380. A Bill to amend section twenty-seven of an Act entitled "An Act to provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain Officers therein named, and for the establishment and regulation of Township Libraries, and to repeal

all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Was read a first time.

Mr. Huffman Moved that the rules be suspended.

And that the Bill be read a second and third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Armstrong, Beardsley, Bradley, Case, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huffman, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—34.

Those who voted in the negative were,

Messrs. Andrews, Bird, Carson and Rice—4.

So the rules were suspended.

And the Bill was read a second time.

Mr. Hanna offered the following amendment :

Provided, That no condemnation of a site, shall be made at a point nearer than forty rods to the residence of the owner of said land so selected, without the owners consent.

Which was adopted.

The Bill was then read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bradley, Case, Caven, Church, Denbo, Elliott, Gifford, Gray, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wolcott—30.

'Those who voted in the negative were,

Messrs. Bird, Carson, Fosdick, Hadley, Hamilton Jaquess, Johnson of Spencer and Wood—8.

So the Bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Bradley moved that the order of business be suspended.

And House Bill No. 167, be taken up.

Which was agreed to.

Engrossed House Bill No. 167. A Bill defining certain misdemeanors, and prescribing punishment therefor, and fixing the fees of certain Officers in prosecutions under this act, and preventing minors from playing at billiards at Public Billiard Saloons.

Was read a second time by its title.

Mr. Hanna moved that the Senate adjourn.

Which was not agreed to.

Message from the Governor, by John M. Commons his Private Secretary:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, May 11, 1869. }

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has approved and signed the following Enrolled Acts of the Senate, to-wit:

Enrolled Act No. 338, entitled "An Act defining what counties shall constitute the Fourth Judicial Circuit, and fixing the time of holding Courts therein."

Enrolled Act No. 83. "An Act to amend section two of an Act entitled 'An Act making the Register of sales of Michigan Road Lands, and certified copies of entries therein, evidence, and declaring the effect thereof; and making the records and papers, and cer-

S. J. Ex. S.—29.

tificates, of purchase, and other evidences in writing of the sale of real estate, and certified copies of such records, evidence; and declaring the effect thereof," approved March 9, 1859.

Enrolled Act No. 84, entitled "An Act to repeal section thirty-one of an Act entitled 'An Act concerning real property, and the alienation thereof,'" approved May 6, 1852.

Enrolled Act No. 156, entitled "An Act accepting certain donations from John Purdue and others, and locating and naming the College contemplated by the Act of Congress, approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency."

And that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

Mr. Gifford moved to suspend the order of business,

And take up the Message from the House containing the concurrent resolution removing F. M. Meredith, from the Directorship of the State Prison, South.

The ayes and nays were demanded by Messrs. Gifford and Hanna.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Carson, Case, Caven, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Johnson of Spencer, Kinley, Laselle, Lee, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur and Wolcott—32.

Those who voted in the negative were,

Messrs. Bradley, Church, Jaquess, Rice, Reynolds, Scott, Stein and Wood—8.

So the rules were suspended.

And the House Message was taken up.

Mr. Gifford moved to make it the Special Order for to-morrow at ten o'clock A. M.

Mr. Hooper moved to amend by making it the Special Order for Friday at ten o'clock A. M.

Mr. Kinley moved to amend by making it the Special Order for to-morrow evening at 7½ o'clock P. M.

On motion of Mr. Fosdick, the Senate adjourned.

THURSDAY MORNING, 9 o'clock. }
May 13, 1869. }

The Senate met.

On motion of Mr. Robinson of Madison, the reading of yesterday's Journal was dispensed with.

On motion of Mr. Robinson of Decatur, the order of business was suspended.

And House Bill No. 158 was taken up.

Engrossed House Bill No. 158. A Bill to amend section twenty-three of an Act entitled "An Act to provide for the valuation and asseesment of real and personal property, and the collection of taxes in the State of Indiana," approved June 21, 1862.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsly, Bradley, Carson, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Huey, Huffman, Jaquess, Johnston of Montgomey, Kinley, Laselle, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Turner, Wolcott and Wood
—33.

Those who voted in the negative were,

Messrs. Bird, Honna, Humphreys, Lee, Morgan, Sherrod, Smith and Taggart—8.

So the Bill passed.

Ordered, That the Secretary inform the House thereof.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed Senate Engrossed Bill, to-wit:

Senate Bill No. 284. A Bill to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith.

Also, Senate Bill No. 330. A Bill to amend the first section of an Act entitled "An Act to empower railroads to build branches to neighboring coal mines," approved December 19, 1865.

And the same are herewith returned to the Senate.

By unanimous consent of the Senate, Mr. Jaquess offered the following:

WHEREAS, It has been reported on the streets, and elsewhere, that a corruption fund has been made use of to procure the passage of House Bill No. 119, commonly known as the Morgan Raid Bill,

AND WHEREAS, Said charge rests alike on every Member of this Legislature, now, in order that said charges may be fully investigated, and the guilty parties exposed, if there be any such, and the innocent be exonerated, therefore be it

Resolved, That a Committee of three be appointed to investigate said charges, and that they be instructed to report the result of the investigation to the Senate, and that they have power to send for papers and witnesses.

Which was adopted.

And the President appointed as said Committee,

Messrs. Jaquess, Gray and Laselle.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives

to inform the Senate, that the Speaker has signed House Enrolled Act No. 95. An Act for the relief of John Ingle, and John Ingle, jr.

Also, House Enrolled Act No. 294. An Act for the relief of the heirs of Patrick Donovan.

And the same are herewith transmitted for the signature of the President of the Senate.

On motion of Mr. Rice, the order of business was suspended.

And Engrossed House Bill No. 97 was taken up.

Engrossed House Bill No. 97. A Bill authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction, relative to the School Fund, Common and Congressional, as required by an Act entitled "An Act requiring County Auditors to make an examination of the records in their offices in relation to School Funds, and make report, and providing compensation therefor," approved December 21, 1865, and declaring an emergency.

Mr. Rice moved that the rules be suspended.

And that the Bill be read a second and third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Bradley, Carson, Case, Church, Denbo, Elliott, Fisher, Gifford, Gray, Green, Hadley, Hamilton, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod. Smith, Stein, Wolcott and Wood—36.

Those who voted in the negative were,

Messrs. Bird, Hanna, Henderson, Johnston of Montgomery, Montgomery and Turner—6.

So the rules were suspended.

And the Bill was read a second and third time.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huffman, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Wolcott and Wood—41.

Those who voted in the negative were,

Messrs. Johnston of Montgomery, Sherrod and Turner—3.

So the Bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gray moved to take up House Bill No. 170.

Which was agreed to.

Mr. Rice submitted the following report of the Judiciary Committee of the Senate upon the subject of the taxation of Bank Stock for Municipal purposes.

MR. PRESIDENT :

The Committee on the Judiciary, to which was referred House Bill No. 170, "To provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in Banks, and Banking Associations doing business in this State," have had the same under consideration, and have directed us to make the following report:

The Bill, in its terms, applies to the stock of "all Banks and Banking Associations," but it is well known that its principal object is to reach the stock in National Banks. The questions are:

1st. Whether such stock now bears a fair proportion of the burthens of taxation, and,

2d. Whether the Legislature can rightfully authorize incorporated cities and towns to tax the stock of National Banks for municipal purposes.

We will consider these questions separately, and in the order stated.

The Official Report of the Comptroller of the Currency for 1868, page 19, shows the amount of tax paid by National Banks in each State and in the United States.

The National Banks in the State of Indiana paid in the year as follows:

To the United States.....	\$278,797 60
To the State, Counties and Townships.....	200,372 89
<hr/>	
Making total tax paid per annum by the National Banks in this State.....	\$479,169 89

From the same Official source it will be seen that the average rate of tax paid by National Banks in the United States amounted to $4\frac{1}{3}$ per cent.

The late Auditor of this State, in a published letter, stated that the revenue derived from National Banks in this State, amounted to a sum equal to the ordinary expenses of the State Government.

The Official records show that about one-nineteenth of all the tax flowing into the Treasury of Marion County is derived from the taxation of National Bank stock.

It will thus be seen, *by facts which cannot be controverted*, that National Bank Stock now pays a larger aggregate tax than other property in this State.

One reason for this is because it is assessed in a different manner, being never returned for taxable purposes at less than par, whereas real estate, and other property, will not, probably, average above

one-half its real value; and another reason is that it ^{puts} a higher tax to the General Government.

It is true it does not pay a municipal tax. Neither did the old State Bank, nor the present Bank of the State. So it will be seen that the history of the State has been uniform upon the subject for nearly forty years.

There are some strong reasons why this exemption is not unjust, only a few of which can be presented within the limits of this report. Capital is the life-blood of commerce and manufactures, and it is these that make the prosperity of a city. The true policy is to offer every inducement to bring capital from other points, for can it be doubted that its influence in building up manufactures and promoting commerce and business, is of far more value than the exercise of the right to tax it for municipal purposes.?

In point of fact, a large portion of the Stock in our Banks is owned by persons who do not live in the city where the Bank is situated. Take Indianapolis as an example. There are in two Banks alone, \$350,000 of stock owned by persons who live in the counties of Delaware, Dearbon, Shelby, Jefferson, Scott, Clark, Washington, Knox, and elsewhere outside of the corporation of Indianapolis.

Now this stock is personal propetry, and instead of being taxed where the stockholder lives, like other personal property, it is all now taxed for State, County, School and Township purposes in Marion county, and all goes into the Treasury of that County, and for her exclusive benefit.

Not being satisfied with making these non-resident stockholders pay tribute to Marion county and to the schools of Indianapolis, it is now proposed to go a step further, and make them pay such additional sums as may suit the whims and caprices of the Common Council of the city. This Council can levy taxes for a thousand purposes, which the owners of houses and lots can well afford to pay, because the expenditure of the money for city improvements may greatly add to the value of their property, but will it, to the same extent, if at all, add to the value of naked capital invested in a National Bank, especially by a non-resident.

Is the ^{more} th protection of the fire department and police not more than compensated by the benefit which the use of the capital is to ^{the} ^{of} the business of the city, and especially when it is considered that the Banks have, at their own expense, provided against fires, by procuring fire-proof vaults and safes, and in many instances, as in Indianapolis, employ and pay their own police? Besides, tax is now paid, under the present law, upon all the stock of the Banks, no matter where the stockholder lives, to build School Houses and support Schools in the city where the Bank is situated.

But even admitting it to be right and proper for incorporated cities and towns to levy a tax upon the shares of National Bank stock for mere municipal purposes, the grave and vital question remains to be considered whether the Constitution and laws do not preclude it from being done in this State.

The Fourth Section of the Eleventh Article of our Constitution authorizes the General Assembly to establish a Bank, with branches.

By virtue of this authority the General Assembly, on the 3d of March, 1855, chartered a Bank for twenty years from the date of its organization, with an express provision that said Charter should not be altered or amended without the consent of the President and Directors of said Bank.—See Section XCI.

The 15th Section of said Bank Charter, reads as follows :

“The Capital Stock of said Bank shall be subject to the same rate of taxation for State and County purposes, as the property or stock of other moneyed corporations, and the real estate and other property of said Bank and branches situated in any city or town shall be taxable for municipal purposes in the same manner as other property so situated, but the capital stock of said Bank or branches shall not be taxable for municipal purposes.”

And the latter clause of this Section, that “the Capital Stock of said Bank and branches shall not be taxed for municipal purposes,” has been declared to be constitutional by the Supreme Court of Indiana, in several cases.—11 Ind., 139.—16 Ind., 105.—17 Ind., 48.

The Act of Congress creating National Banks authorizes their taxation under the State laws, but with an express provision :

“ That the tax so imposed under the laws of any State upon the shares of any of the Associations authorized by this Act shall not exceed the rate imposed upon the shares in any of the Banks organized under the authority of the State where such association is located.”

It follows clearly that if the State cannot authorize the taxation of the Stock of the Bank of the State for municipal purposes, it cannot tax the Stock of National Banks. It is evident that the object of Congress was to place National Banks upon a footing as favorable in relation to taxation “ as any of the Banks organized under the authority of the State where such Association is located.” This language is too plain to admit of any question. If it is not right it is the fault of Congress, and Congress can apply the remedy by repealing the restriction.

The Bank of the State having a legal existence under its Charter, which Charter forbids taxation for municipal purposes, and no change of said Charter having been consented to by its President and Directors, it follows that this Legislature has no power to impose municipal taxation upon its Stock, nor has it any power to impose such tax upon the shares of National Bank Stock, for the reasons already stated.

The Committee therefore report back the Bill, with a recommendation that it do not pass.

THOMAS N. RICE,
MILTON S. ROBINSON,
JOHN A. STEIN,
HARVEY D. SCOTT.

Mr. Hanna from the Committee on the Judiciary, made the following minority report :

MR. PRESIDENT :

The undersigned would state that two questions present themselves upon all propositions submitted to a legislative body for action.

1st. As to the authority to legislate in the manner asked upon the given subject.

2d. Concerning the authority then as to the policy or impolicy of the exercise of that right.

The Charter of the Bank of the State is peculiar in this, that it provides, Section 79, that "The Capital Stock of the Bank and branches, shall be divided into shares of fifty dollars each." And then in the 15th Section, "That the real and personal property—but not the capital stock—shall be subject to assessment for city purposes." How can a distinction, in this particular instance, be drawn between the shares "Capital Stock." That distinction must be drawn as to this Charter, or else an unbroken line of decisions of the highest Courts, running through many years, must provide to exempt the taxation of the shares of Capital Stock of the Bank of the State for city purposes. As the law of Congress under which the National Banks were organized, prohibits the State from discriminating in taxation against such banker—that is in levying taxes upon them—which cannot under the laws of the State be levied upon State Banks, it would seem to follow that the remedy is with Congress, in reforming the laws of the States upon that point.

As this first question meets us in this shape at the threshold, it is clearly unnecessary for us to discuss the second, and we have not, therefore, examined as to the questions discussed by the Committee on that point.

¶ It is needless for the undersigned to say what their views are upon the abstract question of the equality of taxation of all kinds of property. We suppose it is well-known; and in joining in the majority report, we did so solely with reference to the legal question involved.

J. M. HANNA,

G. V. HOWK.

Mr. Caven from the Committee on the Judiciary, made the following minority report :

MR. PRESIDENT :

The undersigned, a minority of the Judiciary Committee, to whom was referred House Bill No. 170, viz :

A Bill to provide for the assessment and collection of taxes for municipal purposes on the shares of Stock owned in Banks and Banking Associations doing business in this State, has given the same the best consideration he could in the short time permitted, and now respectfully submits this minority report :

The Bill proposes, Section one, that the shares of Capital Stock owned or held by any person, or body corporate, in any Bank or Banking Association, chartered, or organized, etc., under the laws of this State, or of the United States, (including the Banks of the State of Indiana and its several branches, and National Banks, etc.,) shall be taxable, etc., for municipal purposes, etc.

The object is to subject National Bank Stock to city taxation. To render property liable to taxation, requires affirmative legislation, that the power be conferred by the Constitution or laws. This affirmative provision is to be found in our Constitution ; Section one, Article ten.

“ The General Assembly shall provide by law, for a uniform and equal rate of assessment and taxation ; and shall prescribe such regulations as shall secure a just valuation for taxation, of all property, both real and personal, excepting such only, for Municipal, Educational, Literary, Scientific, Religious, or Charitable purposes, as may be specially exempted by law.”

No property then, under this Section, is exempt from taxation, unless the legislature has failed to provide a uniform and equal rate of taxation, or else falling within some of the Constitutional exceptions, and in addition, a law has been enacted specially exempting it, or, unless some other section of the Constitution authorizes it.

The National Banks claim that their Stock is not taxable for municipal purposes, and to make good the claim, as it clearly does not fall within the permitted exemptions of Section one, Article

ten, it must be shown that some other clause in the Constitution permits it, or else that the Legislature has not provided for their taxation.

In the Act of Congress, (National Bank Law,) approved June 3, 1864, in Section forty-one, it is enacted as follows:

“Provided, further, that the tax so imposed, under the laws of any State, upon the shares of any of the Associations authorized by this Act, shall not exceed the rate imposed upon the shares in any of the Banks organized under authority of the State, where such Association is located.”

The Act chartering the State Bank which passed both Houses of the General Assembly, March 3, 1855, over the Governor's veto, 1 G. & H., p. 142, contains the following provision:

SEC. 15. The Capital Stock of said Bank, shall be subjected to the same rate of taxation for State and County purposes as the property or stock of other moneyed corporations, and the real estate and other property of said Bank and branches, situated in any city or town, shall be taxable for municipal purposes, in the same manner as other property so situated; but the Capital Stock of said Bank or branches, shall not be taxable for municipal purposes.

As the question whether the National Bank Stock can be taxed, finally hinges upon the force and Constitutionality of this Section, it will become necessary to examine the decisions upon the subject:

Section one, Article ten, has already been recited, and requires first, in broad and general terms, that the General Assembly shall provide for a uniform and equal rate of assessment and taxation and then permits certain exceptions. Although the State Banks do not fall within these exceptions, and although the Legislature has not assumed to specially except them as such exemptions, yet Section fifteen of the Bank law does specially exempt them, and the Supreme Court, as reported in 11 Indiana, p. 139, decides that Section fifteen is Constitutional, and does prevent cities from taxing the Capital Stocks of State Banks; that the Constitution expressly authorized the Legislature to Charter a Bank with

branches, and that such a grant unqualified carried with it the power to fix the conditions upon and under which the corporations might exist, and that one of these conditions might be an enlargement or curtailment of the right to tax, and that the power to make such grant or charter by the Legislature of Indiana, was only controlled by the express limitations of the Constitution, and that, although there were limitations, yet these were upon the power of taxation, and hence that subject was under the unlimited control of the Legislature, and was independent of Section one, Article ten, and hence the Legislature might, by the Charter, have relieved the State Banks of all taxation, even for State and County purposes, or might have taxed them more than other property, that their existence being authorized as a special and independent creation of another clause of the Constitution, and that they do not come under the rule of uniformity and equality, and the Court go further, and decide that Section one, Article ten, does not refer to municipal taxation, so that the Legislature might exempt any property from municipal taxation, and the Court refers to the fact that the Constitution of 1816, authorized the Legislature to charter State Banks, and that such a Charter was granted January 20 1834, and that Section fifteen of that Charter, and Section five of an amendment thereto, of February 6, 1841, made certain exemptions from taxation, and that the Supreme Court in 7 Black. 393 and 395, and 3 Indiana, 43, had decided that these exemptions were valid, but it should be remembered that the Constitution of 1816 did not contain the clause requiring uniform and equal taxation contained in that of 1851, and that in the decisions referred to, no Constitutional question was discussed or decided. A late decision, however, in 27 Ind., p. 223, decided that this section of the Constitution, viz: (Section one, Article ten,) is applicable to, and furnishes the Governing principles for all laws authorizing taxes to be levied either for State, County, Township, or Corporation purposes, in effect overruling 11 Ind., 139, on this point.

This would bring municipal taxation under the provisions of Article ten, and would seem to settle the question that Section fifteen of the Bank law was unconstitutional, and thus remove the only obstacle to municipal taxation of Bank stocks, but a later decision 27 Ind., p. 333, does not seem to recognize the decision on page 223, as going so far.

In 23 Indiana, p. 331, is a decision that the city of Madison could not tax the Capital stock of a Bank organized under the General Banking law of 1852, but upon a different ground, viz: That the United States Bonds could not be taxed, and that as the "Capital Stock" consisted of these bonds, therefore, the Capital stock could not be taxed. This decision has also been overruled, 27 Ind., 341, and by the United States Supreme Court in two cases in which it is decided that a tax upon shares is not a tax upon the property belonging to the corporation, and in the same volume, p. 338, it is decided that the shares of National Banks are by the Act of Congress authorizing such associations, placed within the taxing power of the State, "but that under existing laws the shares of National Banks cannot be taxed in this State because no such tax is imposed upon the shares of Banks organized under authority of the State." So that the reason they could not be taxed for State and County purposes, was not the absence of power to tax them, but because the Legislature had failed to provide by law for their taxation, and in 27 Ind., p. 332, involving the exact question of the power of a city to tax a stockholder upon his shares of stock, the Court says: "That the question whether Section fifteen of the State Bank law was in violation of Section one, Article thirteen, of the Constitution, had not been fully argued before them, and that upon it the Judges had not reached a united conclusion, and that it was probable from the reasoning in the case in 11 Ind., p. 139, deciding it constitutional, that it had not been thoroughly considered, and preferred to express no opinion as the case could be decided upon another point." Showing that the Court did not consider the constitutional question even as to cities settled by that case, but discredit the reasoning and treat the question as yet open, and decide the case upon the ground that the city of Indianapolis could not tax National Bank shares because the City Charter of 1865 did not authorize taxing stocks of State Banks, not deciding that the Legislature had no power to tax, but that it had not been exercised, and for that reason decline to decide the constitutional question, and hence, without such affirmative legislation, no decision on the constitutional question can be obtained.

1st. We find then that the State Bank law exempted the Capital Stock of State Banks from municipal taxation, and a decision of the Supreme Court, that such exemption is constitutional.

2d. That the same Court has decided that the Constitutional provision of uniformity and equality does not apply to municipal, but only to State and County taxation.

3d. The same Court has also decided that to tax an individual upon his shares of stock, was a tax upon so much of the capital stock, and hence prohibited by Section forty-one of Act of Congress.

4th. We find the decision that the fifteenth Section was constitutional, and also that it did not apply to cities, doubted and shaken.

5th. That the shares of National Banks are within the reach of State taxation.

6th. That a tax upon the share of an individual assessed against him, is not a tax upon the property of the Bank.

The recent decisions very much qualify the former, and advance far on the road to recognize the power of the Legislature to authorize cities to tax the stockholder on his shares, but in order to test the question finally, further legislation is necessary.

The charter to the Bank, is a grant of exclusive and beneficial privileges. It is true it is a vested franchise, and such grants are even termed contracts, binding upon the grantor, as well as upon the grantee, yet being peculiarly a benefit to the grantee, an exclusive privilege or it may be forfeited. One of the modes of forfeiture is by non-user.

The National Bank law of 1863, Section 61, p. 681, as also, that of 1864, Section 44, page 118, authorized any Bank authorized by law, in any State, to accept the provisions of the law and become a National Bank.

These provisions were voluntarily accepted by all the State Banks and they became National Banks still with valuable and exclusive privileges, and the State Banks practicably ceased to exist.

The Bank Charter required the State Bank to keep an office at Indianapolis, and that the Directors should meet once in three months, and then invest them with the necessary powers contemplating that they should conduct an active banking business, to loan money, buy, sell, and negotiate bills of exchange, to discount notes, and issue and put in circulation bank bills, etc., but for several years none of these banks have conducted a banking business as contemplated, and whether they have quarterly and annual meetings of the Directors, we do not know, or if reports are made to the legislature as required; but if these things are done, it is merely nominal and the stock has but a nominal existence, the National Bank stock having been issued therefor. There is no such use of the power granted as was contemplated by the Legislature when the charter was granted, and it is true that the grant of some general power, carries with it such implied powers as are necessary to the execution of such general powers. So it is equally true that to cease to exercise the general power for which a corporation was created, is such a non-user as carries with it a forfeiture of all the lesser and incidental powers, though expressed, and there has been for years such a voluntary non-user of the general power of the State Bank, such an abandonment of all its main and supposed beneficial purposes, as amounted to a non-user, and it cannot be that some incidental and subordinate grant having only a purpose in the exercise of the main grant, and one to which even in that connection, but more so standing alone, is against public policy and common right, should survive the main purpose, merely as an obstacle to important legislation.

The object of section fifteen was to protect State Bank Stock from municipal taxation, but there is no such Stock now to tax, and hence the law can no longer serve the purpose for which it was intended, and when that on which the law was intended to operate ceases to be; when the reason of the law ceases, the law ceases, also. If it was only a franchise held at the favor of the State, then the State has power to revoke it, and if it was a contract, for which there was a consideration, that consideration was that they should perform the functions of the Banks—the functions prescribed in their Charter—and this they have ceased to do, and they cannot insist upon the continuance of a contract which they have broken, or claim that the State is still bound on her part, while they con-

tinually fail in performance on their part; they cannot abandon all that was beneficial to the public, and retain only that which was injurious.

As a non-user cannot be made available in any collateral proceeding, some action, either by legislation, or by a Court upon a writ of *quo warranto*, to declare a forfeiture, will be necessary for so long as the State, the other party to the contract, or the grantor of the franchise, is content to overlook the violation, the Charter still stands and the non-user could not be pleaded in any collateral proceeding.

It is no doubt competent for the Legislature, the other party to a violated contract, or the sovereign grantor of a perverted franchise, to rescind such contract or revoke such franchise. The conditions are at last mutual and reciprocal, and a violation by the one party is cause for the release of the other if they elect to assert it, and hence, the Legislature having enacted this law, and the Banks accepted it, then the Banks by non-user, abandon and reject it, the Legislature may repeal the law.

From the fact, then, that exemptions from taxation are against common right and public policy, that at this time taxation is extremely heavy, and laws exempting from taxation should be strictly construed, and that the original exemption was of doubtful constitutionality, for although former decisions seem to sustain it, yet later decisions throw doubt upon the former, and as the law is now subserving a purpose not at all originally contemplated, and as the Banks on their part, have abandoned their Charter in so far as it could be useful to the public, and as the decisions of the Supreme Court leaves the Constitutional question undecided, and, as that question cannot be finally tested without some legislation,

Therefore, the undersigned, a minority of said Committee, recommend the adoption of a preamble to the present Bill, reciting the fact of non-user, and then amend by repealing the State Bank Law, and when so amended, which amendments are presented herewith, recommend the passage of the Bill.

JOHN CAVEN,

Minority Committee.

Amend by prefixing the following preamble :

WHEREAS, On the 3d day of March, 1855, the General Assembly of the State of Indiana, over the Governor's veto, passed an Act entitled "An Act to establish a Bank with branches," and,

WHEREAS, Said Banks for many years last past, have ceased to exercise the franchise, or to carry out the purposes contemplated in the Act creating them, and by such non-user have forfeited such franchise, therefore,

Amend by inserting immediately after the enacting clause, the following :

That Section fifteen of an Act entitled "An Act to establish a Bank with branches, passed over the Governor's veto, by both Houses of the General Assembly of the State of Indiana, March 3d, 1855," be, and the same is, hereby repealed, and,

Amend the title by adding thereto, and repealing Section fifteen of an Act entitled "An Act to establish a Bank with branches, passed over the Governor's veto, by both Houses of the General Assembly of the State of Indiana, March 3d, 1855."

Mr. Hanna moved that the Bill and reports be made the Special Order for this afternoon at three o'clock P. M., in Committee of the Whole.

Mr. Morgan moved to amend by going into Committee of the Whole at this hour.

Mr. Cravens moved the indefinite postponement of the whole subject.

Mr. Cravens demanded the previous question.

Which was seconded by the Senate.

The question being on the motion to indefinitely postpone,

The ayes and nays were demanded by Messrs. Gray and Morgan.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsley, Bird, Case, Church, Cravens, Denbo, Elliott, Fisher, Gifford, Hadley, Hamilton, Hanna, Hooper, Huey, Jaquess, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Wolcott and Wood—26.

Those who voted in the negative were,

Messrs. Armstrong, Bellamy, Bradley, Carson, Caven, Fosdick, Gifford, Gray, Green, Henderson, Hess, Humphreys, Johnson of Spencer, Johnston of Montgomery, Kinley, Laselle, Lee, Morgan, Smith, Taggart and Turner—21.

So the motion to indefinitely postpone,

Was agreed to.

Mr. Wolcott moved to reconsider the vote upon the indefinite postponement of House Bill No. 170.

Mr. Church moved to lay that motion on the table.

Mr. Gray demanded a call of the Senate.

The Secretary proceeded with the call.

Those who answered to their names were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnston of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—44.

Mr. Bellamy moved that further proceedings under the call be dispensed with.

The ayes and nays were demanded by Messrs. Gray and Carson.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bird, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Jaquess, Johnson of Spencer, Kinley, Lee, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Taggart, Turner, Wolcott and Wood—39.

Those who voted in the negative were,

Messrs. Carson, Gray, Johnston of Montgomery, Laselle, Morgan and Smith—6.

So further proceedings under the call were dispensed with.

The question recurring on the motion of Mr. Church, to lay the motion to reconsider on the table.

The ayes and nays were demanded by Messrs. Gray and Carson.

Those who voted in the affirmative were,

Messrs. Andrews, Beardsly, Bellamy, Bird, Bradley, Case, Church, Cravens, Elliott, Fisher, Hadley, Hamilton, Hanna, Hooper, Huey, Jaquess, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Stein, Turner and Wood—25.

Those who voted in the negative were,

Messrs. Armstrong, Carson, Caven, Fosdick, Gifford, Gray, Green, Henderson, Hess, Huey, Humphreys, Johnson of Spencer, Johnston of Montgomery, Kinley, Laselle, Lee, Morgan, Smith, Taggart and Wolcott—20.

So the motion to lay on the table prevailed.

Mr. Kinley moved to suspend the order of business,

And take up House Bill No. 288.

Which was agreed to.

House Bill No. 288. A Bill amending sections four and eight of an Act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all laws contrary to the provisions of this Act, and prescribing the penalties for violation thereof, approved March 5, 1859.

Was taken up.

Mr. Kinley moved that the rules be suspended.

And that the Bill be read a second and third time now.

The ayes and nays were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bird, Bradley, Case, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Humphreys, Johnson of Spencer, Johnston of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan, Robinson of Madison, Robinson of Decatur, Scott, Smith, Stein, Turner, Wolcott and Wood—36.

Those who voted in the negative were,

Messrs. Carson, Caven, Jaquess, Rice, Sherrod and Taggart—6.

So the rules were suspended.

And the Bill was read a second and third time.

The question being, shall the Bill pass?

Mr. Kinley demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Bellamy, Bird, Bradley, Carson, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Hanna, Henderson, Hess, Hooper, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnston of Montgomery, Kinley, Laselle, Lee, Montgomery, Morgan,

Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Taggart, Turner, Wolcott and Wood—45.

Mr. Turner moved that the absentees be sent for.

Which was agreed to.

On motion of Mr. Robinson of Madison, further proceedings under the call were dispensed with.

The question being, shall the Bill pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bellamy, Case, Church, Cravens, Elliott, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Johnson of Spencer, Kinley, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wood—22.

Those who voted in the negative were,

Messrs. Beardsly, Bird, Bradley, Carson, Caven, Fisher, Gifford, Hanna, Henderson, Huey, Huffinan, Humphreys, Jaquess, Johnston of Montgomery, Laselle, Lee, Montgomery, Morgan, Rice, Sherrod, Smith, Turner and Wolcott—23.

So the bill failed to pass.

Mr. Bellamy submitted the following report:

MR. PRESIDENT:

The Committee on Education to whom was referred various papers and propositions in relation to the Agricultural College, return the same, with the recommendation that they lie upon the table, for the reason that other propositions have been accepted and the College located.

F. J. BELLAMY.

Mr. Hooper moved to suspend the order of business in order to offer a resolution.

Mr. Sherrod moved to lay that motion on the table.

Which was not agreed to.

The question being upon the suspension of the order of business.

The ayes and nays were demanded by Messrs. Hooper and Sherrod.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Cravens, Fisher, Fosdick, Gray, Green, Hamilton, Hess, Hooper, Kinley, Robinson of Madison, Stein, Wolcott and Wood—19.

Those who voted in the negative were,

Messrs. Bird, Bradley, Carson, Church, Elliott, Gifford, Hadley, Hanna, Henderson, Huey, Huffman, Humphreys, Jaquess, Johnson of Spencer, Johnston of Montgomery, Laselle, Lee, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Sherrod, Smith and Turner—25.

So the order of business was not suspended.

Mr. Gray asked, and obtained unanimous consent of the Senate to record his vote in the affirmative on the passage of House Bill No. 158.

On motion of Mr. Bellamy, the Senate adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The Senate met.

Mr. Gifford demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford,

Gray, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Johnston of Montgomery, Kinley, Laselle, Montgomery, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—34.

Mr. Stein demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Carson, Case, Caven, Church, Cravens, Denbo, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Jaquess, Johnson of Spencer, Johnston of Montgomery, Kinley, Laselle, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Sherrod, Smith, Stein, Wolcott and Wood—37.

Mr. Stein moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Hooper offered Joint Resolution No. —.

A Joint Resolution accepting and ratifying a certain amendment to the Constitution of the United States.

WHEREAS, Congress has, by a two-thirds vote, proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes, as a part of their Constitution, namely, Article Fifteen:

SECTION 1. The rights of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition or servitude.

SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation.

Therefore, be it

Resolved, By the General Assembly of the State of Indiana, that said Fifteenth Amendment to the Constitution of the United States, is hereby ratified and accepted on the part of the State of Indiana.

Mr. Beardsley demanded the previous question.

Which was seconded by the Senate.

'The question being, shall the main question be now put?

It was so ordered.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Bradley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Hess, Hooper, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—27.

Mr. Jaquess voting in the negative.

Present and not voting,

Messrs. Carson, Denbo, Gifford, Henderson, Johnston of Montgomery, Laselle, Lee, Morgan, Sherrod and Smith.

So the Joint Resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Stein offered the following resolution:

Resolved, That it be entered on the Journal of the Senate, that upon the call of the ayes and naves, upon the passage of the Joint Resolution ratifying the Fifteenth Amendment to the United States Constitution, the following Senators were present but declined voting, viz:

Mr. Carson, Senator from Allen.

Mr. Gifford, Senator from Franklin.

Mr. Henderson, Senator from Morgan.

Mr. Lasselle, Senator from Cass.

Mr. Lee, Senator from Bartholomew.

Mr. Morgan, Senator from Vanderburg.

Mr. Sherrod, Senator from Orange.

Mr. Smith, Senator from Huntington.

Mr. Denbo, Senator from Harrison.

Mr. Johnston, Senator from Montgomery.

Mr. Stein demand the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question being on the adoption of the Resolution offered by Mr. Stein.

It was adopted.

On Motion of Mr. Beardsley, the Senate adjourned.

FRIDAY MORNING, 9 O'CLOCK, }
 May 14, 1869. }

The Senate met.

Pending the reading of the Journal of yesterday,

Mr. Johnston of Montgomery, demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gifford, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Jaquess, Johnson of Spencer, Johnston of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—31.

Mr. Gray moved the absentees be sent for.

Mr. Bellamy moved the further proceedings under the call be dispensed with.

The ayes and nays were demanded by Messrs. Bradley and Johnston of Montgomery.

Those who voted in the affirmative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Green, Hadley, Hamilton, Hess, Hooper, Jaquess, Johnson of Spencer, Kinley, Rice, Robinson of Madison, Scott, Stein and Wood—24.

Those who voted in the negative were,

Messrs. Bradley, Gray, Henderson, Johnston of Montgomey, Morgan and Reynolds—6.

So further proceedings under the call were dispensed with.

Mr. Hooper moved the Senate do now adjourn.

Which was not agreed to.

Mr. Johnston of Montgomery, moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Gray demanded a call of the Senate.

The Secretary proceeded with the call.

The following Senators answered to their names,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Gray, Green, Hadley, Hamilton, Henderson, Hess, Hooper, Jaquess, Johnson of Spencer, Johnston of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein, Wolcott and Wood—32.

Mr. Gray moved the absentees be sent for.

Mr. Bellamy moved to lay the motion of Mr. Gray on the table.

The ayes and naves being demanded.

Those who voted in the affirmative were,

Messrs. Armstrong, Bellamy, Bradley, Case, Caven, Church, Cravens, Elliott, Fisher, Green, Hadley, Hamilton, Henderson, Hooper, Jaquess, Johnson of Spencer, Johnston of Montgomery, Kinley, Morgan, Rice, Reynolds, Robinson of Decatur, Scott, Stein, Wolcott and Wood—26.

Those who voted in the negative were,

Messrs. Andrews, Beardsley, Gray, Hess and Robinson of Madison—5.

So the motion to lay on the table

Was agreed to.

Mr. Bellamy moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Hooper from the Committee on Enrolled Bills made the following report :

MR. PRESIDENT :

Your Committee on Phraseology, Arrangement of Bills and Enrolled Bills, have carefully examined Enrolled Senate Act No. 330, An Act to amend the first of an Act entitled "An Act to empower railroads to build branches to neighboring coal mines," approved December 19, 1865.

Also Senate Enrolled Act No. 134.

Also, Nos. 239, 64, 51 and 194.

And find the same to be neatly and correctly Enrolled.

Mr. Hadley from the Committee on Enrolled Bills submitted the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills to whom was referred Senate Acts Nos. 246, 284, 146, 255 and 286, have examined the same, and report them to the Senate, as neatly and correctly Enrolled.

Message from the Governor by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, May 14, 1869. }

MR. PRESIDENT :

By direction of the Governor, I have the honor to submit herewith his Message announcing the resignation of certain members of the Senate.

JOHN M. COMMONS,
Private Secretary.

TO THE HON. WILL CUMBACK :

President of the Senate.

I have the honor to inform the Senate, through you, that the following named Members of the Senate have, on this 13th day of May, 1869, presented and delivered to me their resignations as Members of the Senate of the State of Indiana, to-wit :

Thomas G. Lee, Senator from the counties of Shelby and Bartholomew.

Ochmeig Bird, Senator from the counties of Allen and Adams.

Robert Huey, Senators from the counties of Jay, Blackford and Grant.

J. M. Hanna, Senator from the counties of Clay and Sullivan.

Charles B. Laselle, Senator from the counties of Cass and Fulton.

Elijah Huffman, Senator from the counties of Ohio and Dearborn.

J. M. Humphreys, Senator from the counties of Green and Owen.

W. S. Turner, Senators from the counties of Davies and Knox.

Wm. W. Carson, Senator from the county of Allen.

Thomas Gifford, Senator from the county of Franklin.

W. F. Sherrod, Senator from the counties of Orange, Crawford and Perry.

William Taggart, Senator from the counties of Brown and Jackson.

George V. Howk, Senator from the counties of Clark and Floyd.

Wilson Smith, Senator from the counties of Huntington and Wells.

W. H. Montgomery, Senator from the counties of Pike, Dubois and Martin.

You will please present this communication to the Senate.

CONRAD BAKER.

EXECUTIVE CHAMBER, }
INDIANAPOLIS, May 14, 1869. }

Mr. Bellamy offered the following resolution :

Resolved, That thirty-two Senators having answered to their names, that being two-thirds of all the Senators elected claiming seats on this floor, a Message from the Governor having been read showing that sixteen Senators have resigned their seats, there is a quorum present to do business, and that we proceed accordingly..

Which resolution the President ruled to be out of order..

Mr. Cravens appealed from the decision of the Chair as follows :

A call of the Senate was ordered, and thirty-two Senators having answered to their names, further proceedings were dispensed with. The Message of the Governor announcing that sixteen Senators had resigned their seats, was read. The resolution of the Senator from Switzerland being ruled out of order by the President.

From that ruling we respectfully appeal to the Senate.

(Signed.)

JNO. R. CRAVENS,

F. J. BELLAMY.

Mr. Bradley moved that the appeal lie on the table.

The ayes and nays were demanded by Messrs. Bradley and Cravens.

Those who voted in the affirmative were,

Messrs. Bradley, Gray, Henderson, Hooper, Jaquess, Johnston of Montgomery, Morgan and Wood—8.

S. J. Ex. S.—31.

Those who voted in the negative were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Elliott, Fisher, Fosdick, Green, Hadley, Hamilton. Hess, Johnson of Spencer, Kinley, Rice, Reynolds, Robinson of Madison, Robinson of Decatur, Scott, Stein and Wolcott—24.

So the motion to lay the appeal upon the table,

Was not agreed to.

The question then being, shall the decision of the Chair stand as the judgment of the Senate.

Pending which, on motion of Mr. Reynolds

The Senate adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The Senate met.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the Engrossed Amendments of the Senate to House Bill No. 311, A Bill making Specific Appropriations for the year one thousand eight hundred and sixty-nine.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed House Enrolled Act No. 52. An Act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867.

Also, House Enrolled Act No. 97. An Act authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction, relating to the School Fund, Common and Congressional, as required by an Act entitled "An Act requiring County Auditors to make examination of the records in their offices, in relation to School Funds, and make report, and providing compensation therefor," approved December 21, 1865, and declaring an emergency.

Also, House Enrolled Act No. 158. An Act to amend Section twenty-three of an Act entitled "An Act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State," approved June 21, 1852.

Also, House Enrolled Act No. 160. An Act to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all other officers of said corporation, under an Act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings, adopted in pursuance thereof.

And the same are herewith transmitted for the signature of the President of the Senate.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed Senate Enrolled Acts, Nos. 330, 64, 134, 239, 51, 194, 146, 255, 286, 284 and 246.

And the same are herewith returned to the Senate.

On motion of Mr. Wood, the Senate adjourned.

SATURDAY MORNING, 9 o'clock, }
 May 15, 1869. }

The Senate met.

Message from the House by Mr. Merwin, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed Senate Joint Resolution No. 18. A Joint Resolution accepting and ratifying a certain amendment to the Constitution of the United States.

And the same is herewith returned to the Senate.

Message from the House by Mr. Merwin, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that the Speaker has signed Enrolled Joint Resolution of the Senate, No. 18, ratifying the Fifteenth Amendment to the Constitution of the United States.

And the same is herewith returned to the Senate.

On motion of Mr. Robinson of Madison,

The Senate adjourned.

MONDAY MORNING, 9 O'CLOCK, A. M., }
May 17, 1869. }

The Senate met.

Message from the Governor by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 17, 1869. }

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed the following Enrolled Acts of the Senate, to-wit :

Enrolled Act of the Senate No. 161, entitled "An Act to provide for the organization of Savings Banks, and the safe and proper management of their affairs."

Enrolled Act No. 215, entitled "An Act to authorize aid to the construction of Railroads, by Counties and Townships taking stock in, and making donations to Railroad Companies."

Enrolled Act No. 337, entitled "An Act to make Appropriations for certain purposes and upon certain conditions, and making provision for the current expenses of the Benevolent Institutions of the State, in cases where the State fails to make the necessary Appropriations therefor."

Enrolled Act No. 51, entitled "An Act to amend Section nine and repealing part of Section sixteen, of an Act concerning the partition of lands," approved May 20, 1852.

Enrolled Act No. 64, entitled "An Act authorizing Voluntary Associations, formed under an Act entitled 'An Act concerning the organization of Voluntary Associations, and repealing former laws in reference thereto,' approved February 12, 1855, to acquire title to lands that have heretofore been used as burial places, and acquire additional adjoining lands for burial purposes, and declaring an emergency."

Enrolled Act No. 194, entitled "An Act to make an Appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the Building for the use of the Supreme Court and Officers of the State."

Enrolled Act No. 246, entitled, "An Act to amend Sections four, thirteen, and fifteen, of an Act entitled 'An Act to establish a Home for the maintenance of Sick and Disabled Indiana Soldiers and Seamen, and their Orphans and Widows,' approved March 11, 1867, and supplementary to said Act."

Enrolled Act No. 284, entitled "An Act to provide for the erection and repair of any Bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith."

Enrolled Act No. 239, entitled "An Act authorizing the classification of the Board of Directors of Railroad Companies."

Enrolled Act No. 146, entitled "An Act to amend Section eight of an Act entitled 'An Act to allow County Commissioners to organize Turnpike Companies, where three-fifths of the persons representing the real estate within prescribed limits, petition for the same, and levy a tax for its construction, and provide for the same to be free,' " approved March 6, 1865.

Enrolled Act No. 330, entitled "An Act to amend the first section of an Act entitled 'An Act to empower Railroads to build branches to neighboring coal mines,' " approved December 19, 1865.

And the same have been deposited in the Office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

Mr. Green moved that the Senate adjourn *sine die*.

Which was agreed to.

The President *pro tem*. then declared the Senate adjourned *sine die*.

O. M. WILSON, *Secretary*.

W. A. BONHAM, *Assistant Secretary*.

BILLS OF THE SENATE.—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
40		A BILL to repeal the forty-fourth and eighty-second sections, and to amend the eighty-first and one hundred and third sections of an Act entitled "An act to revise, simplify, and abridge the rules, practice, pleading, and forms in criminal actions in the courts of this State, approved June 17, 1852," and to regulate the practice as to continuances and changes of venue in criminal actions in the courts of this State.....		Howe	99.			92.	
45		A BILL relating to the salaries of the Judges of the Supreme, Circuit, Civil and Criminal, Circuit and Common Pleas Courts, and declaring an emergency		Scott	75, 76, 77, 78, 79, 100, 150.	150			
48		A BILL providing for the protection of the banks of water courses by securing the bushes growing along said banks from the ravages of stock.		Bellamy			58	92.	189
51		A BILL to amend section nine, and repealing part of an act entitled "An Act concerning partition of lands," approved May 20, 1852.....			205.	205	393	479, 484.	486
53		A BILL to amend an Act entitled "An Act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved May 5, 1859.		Caven	218, 234.				
54		A BILL to authorize and empower cities to establish public parks, and to acquire title to land for that purpose.....		Reynolds.....	145, 233, 234.				
58		A BILL to amend section sixteen of an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855		Denbo			58	92.	189
61		A BILL providing for amendments of pleadings and papers in all proceedings of the courts of this State.....		Hadley.....	56, 383. 107.				
63		A BILL to prohibit the use of the spring balance.....							
64		A BILL authorizing voluntary associations formed under an Act entitled "An Act concerning the organization of voluntary associations, and repealing former laws in reference thereto," passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places.....		Wolcott.....	388.			479.	486

76	A BILL to protect the citizens of Indiana from empiricism, and to elevate the standing of the medical profession.....			214	
78	A BILL to repeal section eighteen of an Act entitled "An Act regulating descents, and the apportionment of estates," approved May 14, 1852.....	Hess,	100, 101, 205, 214.		
82	A BILL allowing an increased rate of toll on township, plank, and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency.....	Lasselle.....	57, 315, 383, 385.		
83	A BILL to amend section two of an Act entitled "An Act making the register of sales of Michigan Road lands, and certifying copies of entries therein, evidence, and declaring the effect thereof, and making the records, patents, and certificates of purchase and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof," approved March 9, 1839.....	Huffman.....	69.		
84	A BILL to repeal section thirty-one of an Act entitled "An Act concerning real property, and the alienation thereof," approved May 6, 1852.....	Church.....	252.	252	273, 282.
85	A BILL to amend section sixty of an Act entitled "An Act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1847.....	Church.....	252, 283.		450
90	A BILL to amend the thirty-fourth subdivision of section fifty-three of an Act entitled, "An Act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.....	Gray.....	101.	101	
98	A BILL to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks or banking associations doing business in this State.....	Bradley.....	55, 118, 120.	67	92, 174,
100	A BILL to amend the sixth section of an Act for the relief of the Indiana University, and to increase and extend its benefits, by providing for the sale of the lands granted by the United States for the use of the said University, relating to the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned, in relation thereto, approved March 2, 1859.....	Green	102, 233.		
102	A BILL to amend the fifth division of section three hundred and twenty-four of the second volume of the revised statutes of 1852, chapter one, of an Act to revise, simplify, and abridge, the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct	Hughes.....	102.	102	

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
		forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.							
	107	A BILL to amend sections two and three of an Act entitled, "An Act for the incorporation of County Libraries," approved June 18, 1852.		Green	103.				
	108	A BILL to amend section two of an Act entitled, "An Act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers, approved March 11, 1867.		Caten	103, 104.				
	109	A BILL to amend section seven of an Act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any Railroad Company in this State, and to enforce the collection of judgment rendered on the account of the same, and to repeal all laws inconsistent therewith," approved March 4, 1863.		Bellamy	272, 273.				
	110	A BILL to create the Twenty-fifth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the courts in said Circuit, and providing for a transfer of actions thereto.		Gray	383.				
	112	A BILL to revise and amend section one of the Exemption Law.		Howk	134.				
	118	A BILL to amend the sixteenth section of an Act entitled "An Act to provide for contesting election to any State, District, County, or Township Office, approved May 4, 1852, to provide relief in cases of contests erroneously commenced by reason of the misprint of said sixteenth section, and to provide for taking depositions in all contests for Circuit and District offices.		Lasselle	68.		131 142, 144.		189
	120	A BILL providing for the reorganization and government of		Rice	235.				

State Prisons, and for repealing all conflicting laws.....					
122 A BILL supplemental to an Act authorizing cities and towns to negotiate and sell lands, to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and to authorize the levy and collection of an additional special school tax, for the payment of the principal and interest of such bonds, approved March 11, 1867.....					
130 A BILL to revise and correct section six of the plank, macadamized and gravel road law of 1852.....					
134 A BILL to authorize the construction of dikes, levees and drains, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all laws relating to the same subject.....					
135 A BILL to amend the second section of an Act entitled "An Act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and respecting all laws in conflict therewith," approved June 4, 1861, and providing a speedy remedy for the recovery of such real property in case of its non-redemption.....					
136 A BILL creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.....					
140 A BILL to authorize Turnpike Companies to construct branch roads.....					
147 A BILL creating the Ninth and Twelfth Judicial Circuits, and providing for the times of holding courts therein.....					
148 A BILL to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken, and certified by notaries public who took and certified such acknowledgments after the expiration of their commissions.					
149 A BILL to amend the seventeenth section of an Act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1865.....					
150 A BILL defining the Common School system of this State.....					
151 A BILL to enable cities to aid in the construction of railroads and water powers.....					
153 A BILL to amend an Act entitled "An Act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of County and Township officers in relation thereto, approved March 5, 1859.....					
156 A BILL accepting certain donations from John Purdie and others, and locating and naming the college contemplated by the act of Congress, approved July 2, 1852, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency.....					
Kinley.....	157, 168, 169, 246, 206, 214, 248, 249, 250, 251.	251			
Foadlok.....	150, 159.	160			
Lasselle.....	273.				
	60, 61, 158, 159.	159	390	390, 479, 484.	
Howk.....	366.				
	39 8, 399.				
Elliott.....	425.		447	479, 484.	485
Bradley.....	235.				
Bellamy.....	235, 236.				
Johnston.....	236.	236			
Kinley.....	57, 385.				
Robinson of Madison.....	236, 237.				
Gray.....	102, 205.				
Stein.....	256, 257, 283, 231, 285, 291.	291	316	328, 329, 331.	450

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
158		A BILL to provide for the public printing, regulating the prices to be paid therefor, fixing the time and mode of electing a State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act.			223, 318, 329, 330.				
161		A BILL to provide for the organization of savings banks, and the sale and proper management of their affairs.		Stein.....	299, 330, 331, 392.			400.	
162		A BILL to provide for the service of process upon railroad companies.		Lasselle.....	237.	39.			486
164		A BILL to authorize the amendment of bills of exceptions, by inserting any written or printed document, instrument or record, which was or shall have been read in the trial of any cause, and which was or shall have been left out of such bill of exceptions, through fraud, accident or mistake.			205, 203, 209.				
166		A BILL providing for the establishment of election precincts, and prescribing the duties of County Commissioners in relation thereto.		Cravens.....	237, 238.				
167		A BILL to amend section four of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes," approved May 20, 1852.		Caven.....	150, 150.	161			
172		A BILL to exempt burial grounds from liens or sale on execution or other process.		Caven	238.	238			
173		A BILL to change the corporate name of the Widows' and Orphans' Asylum of Indianapolis.		Caven.....	233.	239			
175		A BILL defining who shall be competent witnesses in any court or judicial proceedings in this State, and to repeal all laws in conflict with the provisions of this act.							
177		A BILL to prohibit Clerks and Deputy Clerks of the Circuit Courts and Courts of Common Pleas of this State, from taking the declaration of intention of any alien to become a citizen of the United States of America, at any other place than their respective offices, or their proper Court House, and providing punishment for the violation of any of the provisions of this act.		Hooper.....	161, 152.	162			
181		A BILL to amend section three hundred and forty-three of		Reynolds.....	240.	241			

184	an Act entitled "An Act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to declare an emergency. June 10, 1852, entitled "An Act defining felonies and prescribing punishment therefor."	241.	211
187	A BILL to revise and amend an Act entitled "An Act in relation to the taxation of lands in towns and cities;" approved June 18, 1852.	242.	212
188	A BILL to provide for the sale of certain land belonging to the State of Indiana, in the county of Clay.	243.	244
189	A BILL to amend section eighteen of an Act entitled "An Act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers."	244.	
191	A BILL enabling cities or towns to build, improve, and keep in repair, roads leading to cemeteries, owned or used by the inhabitants of cities or towns, or owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers.	245.	164
194	A BILL to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and Officers of State.	246.	
197	A BILL to provide for an extended and improved system of education in the State of Indiana, by increasing and securing the endowment of the State University at Bloomington; endowing a law school, and law library therein, by appropriating thereto any net revenues that may arise from the State prisons, or either of them; providing free tuition in said University; establishing and endowing at Indianapolis a Medical Department of said University; providing for contingent expenses connected therewith, and for the sale or lease of square number twenty-five in the city of Indianapolis; empowering said city to purchase said square; for the investment and management of the proceeds thereof; and the government of said Medical Department; declaring the State Normal School at Terre Haute a branch of said University, and appropriating \$75,000 for the benefit thereof, and adding a trustee; accepting certain donations from the Commissioners of Tippecanoe county and others; establishing an Agricultural College in connection with said State University, and fixing and pledging its location, and providing for its organization and government, and adding a trustee, provi-	247.	40, 479, 481.

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
		ding for matters pertaining to said subject, and declaring an emergency.....							
	199	A BILL to amend sections one and three of an Act entitled "An Act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as may properly pertain thereto....."		Hughes	366, 367.				
	200	A BILL to legalize the tax assessments for the year 1898, in certain incorporated cities.		Wood	268, 269.				
	201	A BILL to revise and amend an act entitled "An Act to amend section five of an Act entitled 'An Act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties,' approved June 1, 1852, and providing for Criminal and Civil Circuit Courts," approved March 8, 1847.....		Robinson of Madison ..	269.				
	202	A BILL to authorize Railroad Companies to sell, lease, or otherwise dispose of, and to contract for the use of their roads, franchises, and property, or any part thereof, and authorizing Railroad Companies to aid other Railroad Companies in the construction and equipment of their roads....		Howk	163.	293			
	203	A BILL to amend an Act to authorize, regulate, and confirm the sale of Railroads, to enable purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, powers, and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same: approved March 3, 1865, and extending the provisions of the said act to other Railroad Companies.....		Robinson of Madison..	292, 293.	293			
	205	A BILL to revise and amend the seventy-ninth section of an Act entitled "An Act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly per-		Robinson of Madison..	293.	293			

tain thereto, approved March 14, 1867.....	Howk	259, 270.	270		
210 A BILL to define certain offenses therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the franchises of the Judiciary in the punishment of real or pretended offenses.....	Wolcott	270.			486
212 A BILL to repeal section three of an Act entitled "An Act authorizing the construction of plank, macadamized, and gravel roads, and to empower the same to make sale of a portion of their roads, and also to repeal an act amendatory thereof," approved March 11, 1867.....	Robinson of Madison.....	179, 205, 219.			
215 A BILL to authorize aid to the construction of railroads, by counties and townships taking stock in, and making donations to, railroad companies.....	Stein.....	214.	214	319	367, 400.
216 A BILL making appropriations for the publishing of the reports of the State Board of Agriculture.....	Fisher	270.			
218 A BILL for the better regulation of traffic on railroads, and to facilitate trade and intercourse thereon.....	Green	170, 270.			
220 A BILL authorizing parties losing money or valuable property at gaming or betting, to sue for and recover the same of parties winning such money or valuable property.....	Kinley.....	150, 151.	151		
224 A BILL legalizing the use of a seal purporting to be a seal of the Adjutant General's Office, and providing for an official seal for said office.....	Hadley.....	271.			
225 A BILL changing the name of the State Board of Agriculture.....	Kinley.....	271.			
230 A BILL to amend section four of an act approved February 1865, entitled, an act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith.....	Church	144, 150, 156, 157, 158.	158		
231 A BILL to amend section 2 of an act to provide for a State Debt Sinking Fund, approved December 21, 1865, making the Governor a member of the Board of State Debt Sinking Fund.....	Craven.....	86.	53	92.	189
235 A BILL to render taxation for common school purposes uniform, regardless of the race or color of the persons to be taxed, and to extend the benefits of the common school system to colored children.....	Hooper.....	355.			
236 A BILL to amend section thirty-one of an act entitled, an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1862, as amended by an act approved March 5, 1857, and declaring an emergency.....	Fosdick.....	396, 408, 409.			
239 A BILL authorizing the classification of the Boards of Directors of Railroad Companies.....	Bird	170, 389, 390.	390		479, 481.
240 A BILL to authorize the incorporation of societies for the study and practice of dentistry, defining their powers, and declaring an emergency.....	Caven	56, 374.			
241 A BILL entitled an Act to amend an Act to incorporate the					

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
	244	University of Notre Dame du Lac at South Bend, St. Joseph County, Indiana; approved January 15, 1844.....							
		A BILL to amend an Act entitled "An Act to provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding a supplemental section thereto.".....		Reynolds.....	365.				
	245	A BILL to amend an Act entitled "An Act to extend the time for the incorporation of Railroads in all cases in which ten thousand dollars per mile have been expended in their construction, and declaring at what time the act shall take effect and be in force; approved February 18, 1863....."		Bellamy	382, 383.				
	246	A BILL to amend sections 4, 13, and 15 of an act entitled "An Act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows;" approved March 11, 1867 and supplementary to said act.....		Johnston	96.				
	249	A BILL to provide for the construction and maintenance of fish ladders.....		Hess	313, 317, 318, 294, 305.			479, 484.	486
	251	A BILL to amend section one of an Act entitled "An Act to authorize Township Trustees of incorporated towns, and the Common Council of cities, to levy a tax for school purposes," approved March 9, 1867, adding a section and declaring an emergency.....		Wolcott.....	367, 368.	368			
	253	A BILL to enable the several Criminal Circuit Courts of this State to try and determine suits upon certain forfeited recognizances, defining the duties of Prosecuting Attorneys in the premises.....		Kinley.....	271, 273.				
	254	A BILL to declare the intent and meaning of section twenty-seven of the Decedents' Law, of 1852.....		Stein.....	294.	294			
	255	A BILL to save pending suits affected by passage of Act		Lasselle.....	369.				

1865, to repeal sections forty-three and forty-four, of mill law of 1852.....	398	479, 484.
258 A BILL to allow partnerships to bring and maintain suits in their adopted names in certain cases.....	152	
261 A BILL to allow cities and incorporated towns within this State to erect buildings for fire and other municipal purposes, on docks and wharves, in certain cases.....	153	
262 A BILL requiring certain pleadings of fact, in certain actions founded on bills of exchange, promissory notes and accounts, to be verified by affidavit.....		
264 A BILL supplemental to an Act entitled "An Act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report liabilities of the firm," approved March 5, 1869, further requiring such surviving partners to file bonds in such office, and requiring said Clerk to spread said inventories, appraisements, and reports of liabilities on record".		
265 A BILL to amend section sixteen of an Act entitled "An Act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of County and Township officers in relation thereto, and providing for an appeal in certain cases, in the Circuit or Common Pleas Court.....	67, 68, 69, 70.	
266 A BILL to amend the sixty-eighth section of an act entitled "An Act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State, approved June 17, 1852.....	70.	
273 A BILL to authorize the issuing of arms and equipments to regularly incorporated military companies.....	73, 97.	
276 A BILL for the relief of heirs of Patrick Donovan, deceased.	231, 232, 233.	
277 A BILL regulating the employment of persons under sixteen years of age in cotton and woolen factories of this State, and providing for the education of such persons.....	369	
278 A BILL concerning appeals in cases of contempt.....	368, 388.	
280 A BILL to amend the first section of an Act entitled "An Act regulating docket fees of District Attorneys in the Court of Common Pleas and before Justices of the Peace, and regulating Prosecuting and District Attorneys' fees for prosecutions on forfeited recognizances,"	57, 389, 387.	
281 A BILL to provide for the judicial decision of the title and use of square No. 25, in the city of Indianapolis, to quiet controversy concerning the same, and to protect the rights of the State therein.....	68.	
282 A BILL defining and providing punishment for libel.....	68.	
283 A BILL to prevent the running at large of bulls, rams, and boars.....	68, 197, 313./	
284 A BILL to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith.....	68.	
285 A BILL to amend section one of an Act entitled "An Act	56, 221.	433 479, 484.

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
		to incorporate the University of Notre Dame du Lac at South Bend, St. Joseph county, Indiana," approved January 15, 1844.....		Walcott	57, 120, 121, 205, 218, 219.	219			
	286	A BILL supplementary to an Act entitled "An Act to incorporate the Franklin Insurance Company," approved February 13, 1851, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law.....			394.			479, 484.	
	290	A BILL creating the Twenty-sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the times of holding courts in the Fourth Judicial Circuit.....		Robinson of Decatur ..	119.			138, 13', 153.	189
	293	A BILL to amend the twenty-fifth section of "An Act defining felonies, and prescribing punishment therefor;" approved June 19, 1852.....		Caven	56, 387.	387			
	294	A BILL fixing the time of holding courts in the counties of Carroll and Cass in the Eleventh Judicial Circuit.....		Lasselle.....	56.				
	295	A BILL authorizing the assessment of lands for plank, macadamized and gravel road purposes, and prescribing the manner of assessing and collecting the same, and repealing the law on that subject; approved March 11, 1867.		Committee	1 34, 138.				
	298	A BILL making an appropriation for the State University, and prescribing the diminution of the same in certain contingencies.....		Hughes	70, 399.				
	302	A BILL to amend section two hundred and fifty of an Act entitled "An Act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.....		Church.....	69.				
	304	A BILL to amend an amendment of section two of an Act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved December 2, 1865.....		Montgomery	109, 354, 355.				
	305	A BILL for an Act supplemental to an Act entitled "An							

306	Act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith," approved February 25, 1865, and to repeal the sixth section of said Act.....	51	Cravens.....	69	
307	A BILL to amend section one of an Act entitled "An Act to authorize Township Trustees of incorporated towns, and the Common Councils of cities, to levy a tax for school purposes," approved March 9, 1867, and to prevent the collection of assessments for the year 1869, unless petitioned for, in accordance with the provisions of this act.....	51	Robinson of Decatur.....	52, 70, 224.	
308	A BILL to amend an Act entitled "An Act to amend an Act authorizing the construction of plank, macadamized, and gravel roads, and to empower the same to make sale of a portion of their road," approved February 23, 1865,".....	52	Johnston.....	52, 71, 108.	
309	A BILL to amend an Act entitled "An Act to regulate the terms of the Circuit Courts in the First Judicial Circuit," approved February, 1869.....	52	Bellamy.....	52, 71, 308, 332, 334, 335.	335
310	A BILL to require all acts to be prospective in their operation, unless otherwise specially provided therein.....	52	Stein.....	52, 71.	
311	A BILL to establish uniformity in the measurement of lime.....	52	Armstrong.....	52, 71, 109, 205, 216.	
312	A BILL to authorize the Boards of County Commissioners of the counties of this State to make appropriations and donations for purposes therein mentioned.....	52	Bird.....	23, 71, 176.	
313	A BILL to regulate fees of printers, in certain cases, and making provisions for notice to non-resident parties.....	53	Montgomery.....	53, 71, 178.	
314	A BILL allowing bills of exceptions in terms of vacation, in criminal cases.....	53	Fisher.....	53, 71, 110.	
315	A BILL to suspend for four years the operations of an Act entitled "An Act to amend sections one and three of an Act entitled 'An Act to provide for the re-location of county seats, and for the erection of public buildings in counties, in case of such re-location,' approved March 2, 1855, and to amend section one of an act amendatory of said act, approved, December 18, 1865, and to provide for the appointment of Commissioners," approved February 23, 1869.....	53	Henderson.....	53, 72, 315.	
316	A BILL to authorize the Secretary of State to systematically arrange and index records and papers on file in his office, and making an appropriation to defray the expenses thereof, and declaring an emergency.....	53	Hooper.....	53, 72, 107, 108, 109.	
317	A BILL relative to the residence of parties plaintiff, and regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith.....	54	Case.....	54, 72, 107, 108, 188, 190, 191.	191
	A BILL providing against fraud and corruption in procuring of divorces in the courts of this State, declaring the same to be a felony, and providing a punishment therefor.....	54	Case.....	54, 72, 107, 108, 188, 190, 191.	191

BILLS OF THE SENATE—Continued.

	Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
318			A BILL authorizing married women to make contracts, rendering their separate property liable therefor, exempting such property and their earnings from the debts of their husbands, and exempting the property of husbands from the separate debts of wives.....	54	Stein	54, 72, 196.				
319			A BILL declaring the incapacity of the Sheriff and Coroner in certain cases, and providing for an alisor, and his compensation.....	64	Green	64, 97, 374.				
320			A BILL to amend the first section of an Act to fix the time of holding the courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect, approved February 9, 1867, legalizing the acts of certain of said Courts, repealing the act on the same subject, approved February 24, 1863, and declaring an emergency.....	64	Carson.....	65.	65	105	153.	189
321			A BILL supplemental to an act creating the Twenty-fourth Judicial Circuit.....	66	Hanna	66, 97, 177, 365, 356.				
322			A BILL entitled "An Act regulating docket fees of Prosecuting Attorneys of Circuit Courts, and regulating Prosecuting Attorneys' fees for prosecutions on forfeited recognizances".....	66	Wood	66, 67, 263.				
323			A BILL to legalize the solemnization of marriages, and the taking and certifying to acknowledgments of deeds, mortgages, and other instruments required to be recorded, and such other acts as are competent to be done and authenticated by Justices of the Peace, performed by any Justice of the Peace of this State after his commission had expired.	66	Hadley	66, 97, 98, 225, 267.	208			
324			A BILL in relation to Criminal Courts and the Judges thereof.....	66	Cravens.....	66, 98, 179, 332, 340.				
325			A BILL appropriating the sum of \$49,000 for the purchase and furnishing of an Executive mansion, and declaring an emergency.....	67	Montgomery	67, 98.				
326			A BILL for the preservation of public morals.....	68	Kinley	87, 146.				
327			A BILL authorizing the establishment of houses for friendless and abandoned women, and providing for the govern-							

328	ment thereof.....	147.		
	A BILL to prescribe the places at which the several District Boards of Equalization shall meet in the several Congressional Districts, as now constituted.....	88	Gray	89
329	A BILL to amend section six of an Act entitled "An Act authorizing the construction of plank, macadamized, and gravel roads," approved May 12, 1852.....	89	Robinson of Madison.....	
330	A BILL to amend the first section of an act entitled "An Act to empower railroads to build branches to neighboring coal mines," approved December 19, 1865.....	91	Bird	405 453 484.
331	A BILL to prevent receivers, appointed by the courts of Indiana for failing and solvent mutual insurance companies, from making assessments, and declaring all such assessments void.....	91	Montgomery	147.
332	A BILL to amend sections thirty-four and forty-three of an Act entitled "An Act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all acts inconsistent therewith, providing penalties therein prescribed; approved March 6, 1865.....	91	Dellamy	91, 147, 224.
333	A BILL to repeal so much of section forty-five of an Act to amend sections thirty-nine, forty-two, forty-five, and fifty-four of an Act entitled "An Act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852, and approved December 20, 1865, so as to forbid said insurance companies from taking promissory notes for the cash premiums.....	92	Montgomery	92, 147, 148, 251.
334	A BILL creating a lien on horses and other animals, for the benefit of persons to whom any animals have been entrusted for boarding, lodging, and other attention, and defining the manner in which such lien shall be enforced.....	93	Caven.....	93, 148, 251.
335	A BILL creating the Twenty-seventh Judicial Circuit, providing for the election of Judge and Prosecuting Attorney thereof, and providing compensation therefor, declaring the jurisdiction of said courts, and providing for a transfer of actions thereto.....	93	Cravens	93, 148.
336	A BILL authorizing the Governor of the State to remove Prison Directors in certain cases.....	115	Bellamy	115, 148.
337	A BILL to make appropriations for certain purposes, and upon certain conditions therein expressed.....	115	Cravens.....	116, 148, 149.
338	A BILL defining the Tenth Judicial Circuit, and fixing the time of holding the Courts therein.....	170	Smith.....	170, 203, 204, 205, 252.
339	A BILL to amend the third section of an Act entitled "An Act for the incorporation of manufacturing and mining companies, and companies for mechanical and chemical and building purposes," approved May 20, 1852.....	181	Hamilton	181, 355.

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLE.	Introduced.	By what Senator.	Proceedings Thereon.	Passed Senate.	Passed House.	Subsequent Proceedings.	Approved.
340		A BILL to amend section one hundred and three of an Act entitled "An Act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith....."	181	Andrews	182, 363, 382				
341		A BILL, authorizing the sale of real estate by trustee for the benefit of the <i>cestui qui</i> trust, and prescribing the method.....	183	Caven	183, 363				
342		A BILL to amend the title of an Act entitled "An Act concerning licenses to vend foreign merchandise, to exhibit any caravan; menagerie, circus, rope and wire dancing, puppet show, and legerdemain," approved June 15, 1852.....	184	Kinley	184, 363				
343		A BILL supplemental to an Act passed December, 1865, entitled "An Act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment, and payment of taxes for such property, made subsequent to the year 1859," and to amend sections five and eight of the same act.....	223	Committee	364, 384				
344		A BILL to legalize sales by guardians under defective notices in not prescribing that said sales shall be without notice.....	230	Howk.....	230, 231, 363, 381				
345		A BILL authorizing the Boards of Commissioners for the several counties of the State to provide for the distribution of taxes therein.....	232	Cravens	232, 364				
346		A BILL to amend section twenty-nine of an Act entitled "An Act to provide for a general system of Common Schools, the officers thereof, and their respective duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed.".....	232	Gray	232, 363, 381				
347		A BILL to organize and establish Criminal Courts in and for the counties of Laporte and St. Joseph, to provide for							

348	the election and compensation of Judges and Prosecuting Attorneys therefor, to define the jurisdiction of said courts and to provide for a transfer of actions and business thereto.....	290	Bradley.....	260, 266, 275, 276.	276
349	A BILL making provision for the citizens of any town, when the plat of the town has been recorded, containing a public domain or grant of a block, public square, or lot of ground for public use, without any particular public object specified on said plat, may make application to the Board doing County business, to dedicate the same for school purposes, on petition and notice thereof.....	290	Green.....	260, 266, 275, 276, 278.	278
350	A BILL locating and providing for the management and control of the Indiana Industrial College, and accepting certain propositions in consideration of such location, and authorizing the issue of arms by the State to said College; and also empowering the commissioners of Marion county to issue bonds of said county in execution of the terms of a proposition of said county to donate bonds to said College.....	294	Cavel.....	264, 365.	
351	A BILL to authorize the Clerk of the Supreme Court of the State of Indiana to have the papers on file in his office, and the books and records of said office indexed, allowing a compensation therefor, and declaring an emergency.....	265	Hooper.....	265, 365.	
352	A BILL to legalize certain proceedings of the Wayne Criminal Circuit Court.....	265	Kinley.....	265, 266.	266
353	A BILL to fix the times of holding the common pleas courts in the several counties composing the Fifteenth Common Pleas District, the duration of the terms thereof, making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith.....	341	Armstrong.....	345.	345
354	A BILL repealing all laws in relation to criminal circuit courts and criminal courts.....	341	Carson.....	365.	
355	A BILL to authorize the purchase of a residence for the Executive of the State, and appropriating seventy thousand dollars for the purpose of paying therefor.....	358	Sherrod.....	358.	
356	A BILL to fix the time of holding terms of the Circuit Courts in the Eighth Judicial Circuit.....	421	Wood.....	421, 422.	422
357	A BILL fixing the time of holding the Circuit Court in Bartholomew county.....	437	Lee.....	437, 438.	438
	A BILL to fix the times of holding the Circuit Courts in the Twenty-sixth Judicial Circuit.....	440	Gifford.....	461.	441



BILLS OF THE HOUSE.

507

Special Session.	Regular Session.	TITLES	Reported to Senate.	Proceedings Thereon.	Passed Senate.	Subsequent Proceedings.	Approved.
5		A BILL to amend the one hundred and third section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions."		61,			
6		A BILL providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same.		220, 221.	221	239.	
7		A BILL to authorize foreign guardians to take possession of, sue for, or receipt for any personal property or assets of their wards in this State.		231, 233.	233	243.	
11		A BILL to create the Twenty-first and Twenty-second Judicial Circuits, to fix the time of holding Courts therein, to provide for the election of Judges and Prosecuting Attorneys therein, and also to fix the times of holding the spring terms of the Court of Common Pleas in Miami County.		63, 64, 276, 277, 278, 304, 303, 305, 307, 308, 310, 188, 198.	308	332, 337.	
14		A BILL to amend section three of "An Act regulating interest on money."					
18		A BILL to amend sections 2 and 4 of an act entitled "An Act for the incorporation and continuance of Building Loan Fund and Savings Associations;" approved March 5, 1857, and supplemental thereto.		185,			
23		A BILL to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.		75, 74, 85, 132, 133, 134.	134	145, 146.	
24		A BILL to regulate the standing of the medical profession, declaring who may practice medicine, providing penalties for its violation.		191, 361, 362, 363.			
34		A BILL to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats, where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency.					
36		A BILL concerning vagrants, and proceedings against the same.		141, 162, 166, 167, 166.	167	192.	
38		A BILL declaring certain contracts made by or with common carriers.		155,			

BILLS OF THE HOUSE—Continued.

Special Session.	Regular Session.	TITLES.	Reported to Senate.	Proceedings Thereon.	Passed Senate.	Subsequent Proceedings.	Approved.
40		A BILL to enable County Commissioners to demand, sue for, and receive any bounty fund, which may have been raised by the citizens of any county in the State, and which remain unexpended, or not accounted for, and declaring an emergency.....					
42		A BILL to amend section twenty-one of "An Act to authorize a company to contract the Aurora and Laugherly Turnpike,".....		188, 197, 198.	198	208.	
46		A BILL to legalize the sale of seminary lands in Jasper county.....		94.			
50		A BILL to amend sections one and three of an act entitled, "An Act to repeal all general laws now in force for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and regulate such other matters as properly pertain thereto, approved March 14, 1867....."		188, 200, 201.	201	214.	
52		A BILL authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing all the laws on that subject, approved March 11, 1867.....	317	394, 395, 409, 437.	437	447, 483.	
53		A BILL to regulate the mileage of sheriffs in conveying convicts to the State Prisons, and repealing all laws in conflict herewith.....	144	215, 326, 327, 328.	328	425, 444.	
54		A BILL to amend section 531 of an act entitled "An Act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, and providing for the recording of recognizances, and the compensation of officers therefor,".....		185.			
62		A BILL to amend section 147 of an Act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed; approved March 6, 1865.....					
64		A BILL defining what counties should constitute the Twelfth Judicial District, and fixing the time of holding Courts therein.....	44	188, 192, 193, 194.	194,	283, 306.	
65		A BILL amending section 13 of an act entitled "An Act for the incorporation of manufacturing and mining companies, and for mechanical, chemical, and building purposes," approved May 20,		45, 209, 210, 211.	211	250, 304.	

68	1852, and declaring the meaning of the 13th section of said act," of An Act to amend sections thirteen and nineteen of chapter twelve, of An Act entitled "An Act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.....	134, 135, 136.	178, 192.
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104	A BILL to amend section 397 of an act entitled "An Act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 15, 1852.....	94, 215, 261. 95.	
105	A BILL to regulate and make uniform the prices charged by railroad companies for transferring goods, merchandise, and material to and from stations on railroads in the State, and to require such railroad companies to carry passengers on freight trains, and providing penalties for its violation.....	251, 391.	374.

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114		A BILL to amend the fifth section of an Act approved March 6, 1865, entitled "An Act to provide for a general system of Common Schools, the Officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.....		62, 63, 188, 189, 198, 199, 200, 423, 424, 425.	443.		
119		A BILL making an appropriation of four hundred and thirteen thousand, five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan Raid.....		389.			
124		A BILL supplemental to an act to provide for the confinement of persons insane, and dangerous when suffered to run at large, and for the compensation of him to whom the custody of such insane person is committed, approved February 21, 1866, and to provide for the recovery of moneys expended by one county in the arrest, care, safe-keeping, clothing and treatment of an insane person whose legal settlement is in another county.....		304, 370, 372, 373, 400, 401, 402, 404, 419, 405, 407, 416, 417, 418, 419.			
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143	A BILL repealing certain sections of an Act to provide for the registry of voters, and declaring their residence, etc., etc., and prescribing further duties of the officers of Elections.....	94, 132, 133, 134, 205, 296, 297, 298, 299, 300, 301, 302, 319, 320, 321, 322, 323, 324, 325, 373.	325	397.	
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159	A BILL to amend section twenty-three of an Act entitled "An Act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana," approved June 21, 1862.....	262, 389, 446, 452.	453	483.	
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	198	A BILL to amend the nineteenth section of an act approved June 10, 1852, entitled "An Act defining felonies, and prescribing punishment therefor.".....	196	196, 391.			
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	203	A BILL fixing the time of holding Circuit Courts in the several counties comprising the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all processes returnable to the time fixed by this act, and regulating the transaction of business therein.....	340	340, 341.	341		
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	208	A BILL to legalize conveyances of real estate made by married women under the age of twenty-one years, where they have joined with their husbands in deed, conveying their land, where such husbands are now living, and declaring an emergency.....	407	407.			

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225	A BILL to provide for the holding of Courts of Common Pleas in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.....	178, 179, 332, 336, 337.	337	358.
231	A BILL defining a certain misdemeanor, and prescribing penalties therefor.....	407		
232	A BILL allowing an increased rate of toll on turnpike, plank, and gravel roads, in certain cases, repealing conflicting laws, and declaring an emergency.....	410.		
234	A BILL declaring the meaning of sections fourteen and sixteen of an Act entitled "An Act containing several provisions regarding landlords, tenants, lessors and lessees," approved March 20, 1852, and to authorize and give a right of action by a joint tenant, tenant in common, tenant in coparcenary against other joint tenants, tenants in common, and tenants in coparcenary, and declaring an emergency.....	330		
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262	A BILL to amend sections three and eight of an act to regulate the inspection of petroleum oils, etc.....	407.		
268	A BILL for the preservation of Indiana battle flags, military trophies and relics.....	332		
271	A BILL to provide for holding courts in the county of Brown, in case of conflict with the Circuit Court of that county, and to repeal all laws in conflict with this act, and declaring an emergency.....	177.		
278	A BILL to amend the title of an Act entitled "An Act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legitimate.....	407.		
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309			A BILL making general appropriations for the years 1869 and 1870.....		113, 114, 116, 117, 118, 124, 125, 126, 127, 128, 129, 130, 142, 143, 182, 183, 184, 199, 195, 225.	143		
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315			A BILL to authorize the Board of County Commissioners of the several counties of this State to make appropriations and donations for purposes therein mentioned	407	407.			
321			A BILL to amend an Act entitled "An Act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of the principal and interest of such bonds."	139	391, 420, 422, 423, 444, 445, 446.			
322			A BILL to enable railroad companies which have formed articles of association, naming the place from, and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent character, and privileges of the same.					
325			A BILL to provide for the re-location of county seats, the erection of public buildings in case of such re-location, repealing all laws in conflict herewith, and declaring an emergency		164, 202, 254, 257, 258.	258	270.	
332			A BILL to fix the time of holding the Common Pleas Court in the Twenty-second District.....	73	372, 443, 444.			
333			A BILL appropriating sixty thousand dollars to defray the expenses of the Special Session of the Forty-sixth General Assembly.	87	93, 94. 87, 96, 139, 140.	94	113.	
334			A BILL in relation to Criminal Circuit Courts, and the Judges thereof.	105	332, 337, 338, 339.	339	143, 44. 444.	

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18	A JOINT RESOLUTION accepting and ratifying a certain amendment to the Constitution of the United States. WHEREAS, Congress has, by a two-thirds vote, proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes, as a part of their Constitution, namely, Article Fifteen: SECTION 1. The rights of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude. SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation. Therefore, be it Resolved, By the general Assembly of the State of Indiana, that said Fifteenth Amendment to the Constitution of the United States, is hereby ratified and accepted on the part of the State of Indiana.....	474	Hooper.....	474, 475.....	475	485	485

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16 8	A JOINT RESOLUTION for the removal of F. M. Meredith from the office of Director of the Southern Prison of Indiana..... A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to procure the passage of a law removing all disabilities under existing laws because of volunteers who left the service of their command after the 15th of April, 1865.....	342 390	344 390, 391	

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